

JAN 07 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED  
JAN - 7 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

JOSE ANDREU,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

Case No. 07 C 6132

Judge Samuel Der-Yeghiayan

Magistrate Judge Mason

**PLAINTIFF'S EXHIBITS IN SUPPORT OF**  
**HIS MOTION FOR PARTIAL SUMMARY JUDGMENT.**

- Exhibit 1 Defendant's Answer and Affirmative Defense to Complaint
- Exhibit 2 Defendant's Notice of Removal
- Exhibit 3 Defendant's Memorandum of Clarification of Principal Place of Business
- Exhibit 4 Plaintiff's Deposition Transcript
- Exhibit 5 Plaintiff's Declaration
- Exhibit 6 Plaintiff's Documents Bates-Stamped P000259-269
- Exhibit 7 Plaintiff's Documents Bates-Stamped P000350-375
- Exhibit 8 Defendant's Amended Rule 26(a)(1) Disclosures
- Exhibit 9 Court's June 14, 2007, Order
- Exhibit 10 Plaintiff's First Request for Production of Documents

Exhibit 11 Defendant's Objections and Responses to Plaintiff's First Request for  
Production of Documents

Date: January 7, 2008

Respectfully Submitted,  
Plaintiff, JOSE ANDREU,

By: 

Timothy J. Coffey  
THE COFFEY LAW OFFICE, P.C.  
Attorneys for JOSE ANDREU  
1403 E. Forest Avenue  
Wheaton, IL 60187  
(630) 534-6300

**Plaintiff's Exhibit 1**

**Defendant's Answer and Affirmative Defense to Complaint**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOSE ANDREU,	)	
	)	
Plaintiff,	)	
	)	Case No. 07 C 06132
v.	)	
	)	Judge Der-Yeghiayan
UNITED PARCEL SERVICE, INC.,	)	
	)	
Defendant.	)	

**ANSWER AND AFFIRMATIVE DEFENSE TO COMPLAINT**

Defendant United Parcel Service, Inc. ("UPS") submits its Answer and Affirmative Defenses to the Complaint filed by Plaintiff Jose Andreu ("Andreu" or "Plaintiff") and states as follows:

**Nature of Case**

1. Plaintiff brings this action against Defendant to recover damages proximately caused by Defendant's illegal retaliatory discharge in violation of the Illinois Worker's Compensation Act, 820 ILCS 305/1 et seq., and the common law and public policy of the State of Illinois.

**Answer:** UPS admits that Plaintiff brings this action to recover damages allegedly and proximately caused by UPS's alleged illegal retaliatory discharge in violation of the Illinois Worker's Compensation Act, 820 ILCS 305/1 et seq., and the common law and public policy of the State of Illinois, but denies that it violated any law, regulation, statute or rule with regard to Plaintiff.

**The Parties**

2. Plaintiff, Jose Andreu (hereafter "Jose"), is an individual residing at all relevant times in Chicago, Illinois, County of Cook.

**Answer:** UPS admits the allegations of Paragraph 2.

3. Defendant, United Parcel Service, Inc. (hereafter "UPS"), is an Ohio corporation registered and licensed to do business in Illinois.

**Answer:** UPS admits that it is an Ohio corporation registered and licensed to do business in Illinois, but denies the remaining allegations of Paragraph 3. UPS further denies that it violated any law, regulation, statute or rule with regard to Plaintiff.

4. Venue is proper in this Court in that Defendant's illegal acts complained of herein took place within this Court's geographical jurisdictional boundaries at UPS' Addison, Illinois facility.

**Answer:** UPS admits that venue is proper in the U.S. District Court for the Northern District of Illinois.

**Facts Common to all Counts**

5. Jose began his employment with UPS in or around September, 1996.

**Answer:** UPS admits the allegations of Paragraph 5.

6. Starting in 2003, Jose began working for UPS in the position of package driver. In this position, among other duties, he reported each work day to UPS' Addison, Illinois facility and delivered parcels in UPS' vehicles, departing from and returning to the Addison facility each work day.

**Answer:** UPS admits the allegations of Paragraph 6. Answering further, Plaintiff was a swing or vacation package car driver which means Plaintiff did not have a regular route but rather filled in where needed.

7. On or about January 24, 2005, Jose injured his back at work while on his assigned route delivering packages (hereafter the "work accident").

**Answer:** UPS is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 and therefore denies same. Answering further, Plaintiff contacted UPS while on his route on or about January 24, 2005, and said he had injured himself.

8. He immediately called into UPS and reported the work accident and his resulting back injuries.

**Answer:** UPS is without knowledge or information sufficient to form a belief as to the truth of whether Plaintiff immediately called into UPS and therefore denies same. UPS admits the remaining allegations of Paragraph 8.

9. Later in the day on January 24, 2005, one of Jose's superiors, Dave Ziltz, met Jose out on his route. Upon meeting Jose out on his route, Mr. Ziltz stated to Jose that he believed Jose was lying about the work accident and/or related injuries, and faking his pain.

**Answer:** UPS admits that Supervisor Dave Ziltz met Plaintiff on his route on January 24, 2005 and that the meeting occurred after Plaintiff had called UPS. UPS denies the remaining allegations of Paragraph 9.

10. At various times subsequent to January 24, 2005, Mr. Ziltz repeated his assertions and belief that Jose was lying about the work accident and/or related injuries, and faking his pain.

**Answer:** UPS denies the allegations of Paragraph 10.

11. Also on January 24, 2005, upon Jose's return to UPS' Addison facility at the end of his work day, he sat down with Mr. Ziltz and observed Mr. Ziltz type the work accident and related injury information into a computer. He also observed and listened as Mr. Ziltz called UPS' worked (sic) compensation insurance carrier, Liberty Mutual, and reported the work accident and related injuries.

**Answer:** UPS is without knowledge or information sufficient to form a belief as to the truth of what Plaintiff observed and/or listened to and therefore denies same. UPS admits that on or about

January 24 or 25, 2005, a work accident report was filled out and the incident was reported to Liberty Mutual, UPS worker's compensation insurance carrier.

12. On January 25, 2005, Jose was examined by UPS' physician, Dr. Anthony Tesmond, in connection with the injuries he sustained from the work accident.

**Answer:** UPS denies that a Dr. Anthony Tesmond is a "UPS physician", but admits that Plaintiff was examined by a Dr. Tesmond on or about January 25, 2005 in connection with his claimed injuries.

13. Following the work accident, Jose missed work on January 25<sup>th</sup> and 26<sup>th</sup>.

**Answer:** UPS denies that Plaintiff did not work for UPS on January 25 or 26, 2005.

14. Upon returning to work on January 27, 2005, Jose advised Dave Ziltz that he was still experiencing back pain from the injuries he sustained from the work accident.

**Answer:** UPS admits the allegations of Paragraph 14.

15. In January and February 2005, Jose was examined several additional times by Dr. Tesmond and/or other physicians in his office in connection with the injuries he sustained from the work accident.

**Answer:** UPS is without knowledge or information sufficient to form a belief as to the truth of who examined Plaintiff or whether he was examined "several times" in the stated time period and therefore denies same. UPS admits that Plaintiff was examined during the stated time frame.

16. Dr. Tesmond and/or his office notified UPS and/or its workers' compensation insurer of each and every occasion that Jose received medical treatment in connection with the injuries he sustained from the work accident.

**Answer:** UPS is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18 and therefore denies same.

17. In February and early March 2005, Jose sought and received additional medical treatment from his own physicians in connection with the injuries he sustained from the work accident.

**Answer:** UPS is without knowledge or information sufficient to form a belief as to whether Plaintiff sought and received additional medical treatment and therefore denies same. Answering further, it is UPS's understanding that Plaintiff returned for treatment beginning February 10, 2005 after previously being released to full duty work.

18. In February and early March 2005, Jose's physicians notified UPS and, in some instances, Jose's direct supervisors, of Jose's ongoing treatment for the injuries he sustained from the work accident, his prognosis and/or ability to return to work.

**Answer:** UPS admits that on occasion after February 9, 2005, it received notes from physicians concerning Plaintiff's condition.

19. On or about February 9, 2005, Dave Ziltz met Jose while he was on his route delivering packages. Upon his arrival at Jose's truck, Mr. Ziltz was angry and yelling at Jose. Mr. Ziltz accused Jose of lying about the number of packages and/or stops he had left for the day in an earlier communication Jose had with the Addison facility. Dave Ziltz told Jose he would be fired.

**Answer:** UPS admits that Ziltz met Plaintiff while Plaintiff was on his route on February 9, 2005. UPS denies the remaining allegations of Paragraph 19. Answering further, in response to a request for him to pick up a package, Plaintiff had contacted the UPS facility around 4:00 p.m. and claimed he still had sixty stops to make and would not be done until 9:00 p.m. Ziltz, who was driving a route that day due to a shortage of drivers, arrived to assist Plaintiff at 4:42 p.m. and found only about 20 packages on Plaintiff's vehicle. Ziltz informed Plaintiff he was being placed on notice of termination for dishonesty.

20. On or about February 11, 2005, Jose informed his superiors that he could no longer perform his duties due to the pain he was experiencing from the work accident and related injuries.



He subsequently missed several days of work, and continued to receive medical treatment. He returned to work on or about February 17, 2005.

**Answer:** UPS admits that Plaintiff informed his supervisors that he would not drive, that he missed several days of work, and that he returned to work on or about February 17, 2005. UPS is without knowledge or information sufficient to form a belief as to whether Plaintiff continued to receive medical treatment and therefore denies same. UPS denies the remaining allegations of Paragraph 20.

21. On March 4, 2005, Jose's superior, Kerri Snyder, told Jose that his employment with UPS was terminated effective immediately for alleged (sic) being dishonest on February 9, 2005. Mr. Snyder then asked another supervisor who was present to escort Jose off of the premises.

**Answer:** UPS admits the allegations Paragraph 21. Answering further, Plaintiff did not timely submit a grievance pursuant to the applicable collective bargaining agreement challenging his termination.

22. At all relevant times, Jose's performance met or exceeded UPS' legitimate expectations. Jose was not dishonest on February 9, 2005, and did nothing to legitimately warrant the termination of his employment.

**Answer:** UPS denies the allegations of Paragraph 22.

**UPS TERMINATED JOSE'S EMPLOYMENT IN RETALIATION FOR HIS  
PROTECTED ACTIVITIES IN VIOLATION OF THE ILLINOIS WORKERS'  
COMPENSATION ACT, COMMON LAW AND PUBLIC POLICY**

23. Jose's reporting the work accident and related injuries to UPS on January 24, 2005, and seeking medical treatment for such injuries commencing on January 25, 2006 (sic), and continuing through the day UPS terminated his employment (i.e., March 4, 2005), all as described above, are activities protected by the by the Illinois Worker's Compensation Act, 820 ILCS 305/1 *et seq.* (the "Act").

**Answer:** The allegations of Paragraph 23 require legal conclusions and UPS therefore denies same. UPS admits that reporting a work accident and related injuries and seeking medical treatment

for work-related injuries are activities protected by the by the Illinois Worker's Compensation Act, 820 ILCS 305/1 *et seq.*

24. UPS was aware of Jose's protected activities under the Act as described above at the time it decided to terminate his employment.

**Answer:** UPS was aware that Plaintiff had submitted a worker's compensation claim and was receiving treatment at the time of his termination but denies that said claim or treatment played any part in Plaintiff's termination.

25. Jose's protected activities under the Act were a motivating factor behind UPS' decision to terminate his employment.

**Answer:** UPS denies the allegations of Paragraph 25.

26. As such, UPS' termination of Jose's employment on March 4, 2005, was causally related to his protected activities under the Act.

**Answer:** UPS denies the allegations of Paragraph 26.

27. UPS's termination of Jose was therefore an illegal retaliatory discharge in contravention of Illinois public policy as stated and set forth in the Act.

**Answer:** UPS denies the allegations of Paragraph 27.

28. As a direct and proximate result of UPS' illegal termination of his employment, Jose has suffered a loss of income in the form of wages and prospective retirement benefits, social security and other employment benefits, emotional pain, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, and he is expected to incur future damages.

**Answer:** UPS denies the allegations of Paragraph 28.

29. The above described conduct by UPS was wilful and wanton, and with reckless disregard and indifference to the law and the public policy of Illinois, and to Jose's rights. UPS should therefore be subject to punitive damages as an example to deter others from engaging in conduct of this kind.

**Answer:** UPS denies the allegations of Paragraph 29.

**Affirmative Defense**

Plaintiff is barred from recovery because he has failed to exercise reasonable efforts to mitigate his alleged damages.

Dated: November 9, 2007

UNITED PARCEL SERVICE, INC.

By: /s/ D. Scott Watson  
One of Its Attorneys

John A. Klages (ARDC #06196781)  
D. Scott Watson (ARDC # 06230488)  
Ellen M. Girard (ARDC #06276507)  
Meghan E. Riley (ARDC #06288548)  
Quarles & Brady LLP  
500 West Madison, Suite 3700  
Chicago, IL 60661  
312/715-5000  
312/715-5155 (fax)

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that on November 9, 2007, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Timothy J. Coffey  
The Coffey Law Office, P.C.  
1403 East Forest Avenue  
Wheaton, Illinois 60187  
Email: tcofflaw@sbcglobal.net

/s/ D. Scott Watson

**Plaintiff's Exhibit 2**

**Defendant's Notice of Removal**

**FILED**

OCT 30 2007

OCT. 30, 2007

MICHAEL W. DOBBS  
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JH

JOSE ANDREU,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

**07CV6132**  
**JUDGE DER YEGHIAYAN**  
**MAG. JUDGE MASON**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. Sections 1332(a), 1441(a) and (b) and 1446, Defendant United Parcel Service ("UPS") hereby removes the subject action from the Circuit Court of the Eighteenth Judicial District, County of DuPage, Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division, on the following grounds:

1. Plaintiff Jose Andreu ("Andreu") served UPS's attorney of record with a copy of the Complaint via U.S. Mail on or about October 18, 2007. A copy of the Complaint is attached hereto as Exhibit A. Andreu filed the Complaint in the Circuit Court of the Eighteenth Judicial District, County of DuPage, Illinois on or about October 15, 2007. No other process, pleadings or orders have been served on UPS in this matter.<sup>1</sup>

2. Andreu's complaint alleges retaliatory discharge in violation of the Illinois Worker's Compensation Act, 820 ILCS 305/1 *et seq.*

<sup>1</sup> This matter was originally captioned Case No. 07 C 00473 in the U.S. District Court for the Northern District of Illinois and assigned to Judge Der-Yeghiayan and originally consisted of the ongoing Illinois state law worker's compensation retaliation matter and a dismissed federal claim brought pursuant to COBRA. On September 25, 2007, the Plaintiff sought leave to file an amended complaint without the COBRA claim and based on supplemental jurisdiction. On September 28, 2007, Judge Der-Yeghiayan declined to exercise supplemental jurisdiction over the remaining claim and dismissed the retaliation claim without prejudice. Plaintiff filed an agreed motion for reconsideration on October 1, 2007 stating that the matter should be retained on the basis of diversity jurisdiction. Judge Der-Yeghiayan denied the motion for reconsideration on October 10, 2007.

3. This Court has original jurisdiction in this civil action pursuant to 28 U.S.C. § 1332(a). UPS is entitled to remove this suit because of diversity of citizenship. Andreu is a citizen of the State of Illinois. (Complaint ¶ 2). UPS is an Ohio corporation (Complaint ¶ 3) with its home office in Atlanta, Georgia, therefore UPS is a citizen of Ohio and Georgia.

4. The amount in controversy exceeds \$75,000.00. Plaintiff is seeking lost wages in his suit. (Complaint p. 6). During the pendency of this matter before Judge Der-Yeghiayan (as referenced in footnote 1), Plaintiff served UPS with his Rule 26(a)(1) Initial Disclosures dated April 27, 2007. In his Initial Disclosures, Plaintiff stated he had lost and sought to recover approximately \$95,000.00 in lost wages. A true and accurate copy of Plaintiff's Rule 26(a)(1) Initial Disclosures is attached as Exhibit B.

5. Removal to this Court is proper because the Northern District of Illinois embraces the Circuit Court of the Eighteenth Judicial District, County of DuPage, where this action was filed.

6. Contemporaneous with the filing of this Notice of Removal, UPS has given the Circuit Court of the Eighteenth Judicial District, County of DuPage, Illinois written notice of same in the form attached to this Notice as Exhibit C.

WHEREFORE, Defendant United Parcel Service removes the subject action from the Circuit Court of the Eighteenth Judicial District, County of DuPage, Illinois to this United States District Court.

DATED: October 30, 2007

UNITED PARCEL SERVICE, INC.

By: 

One of Its Attorneys

John A. Klages, #06196781  
D. Scott Watson, #06230488  
Gary R. Clark, #06271092  
Ellen M. Girard, #06276507  
Quarles & Brady LLP  
500 West Madison Street, Suite 3700  
Chicago, IL 60661-2511  
312/715-5000



**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that he caused a copy of the foregoing United Parcel Service's NOTICE OF REMOVAL to be served upon the below-listed counsel, by U.S. mail, properly addressed and prepaid, and deposited in the U.S. Mail at 500 W. Madison Street, Chicago, Illinois, before the hour of 5:00 p.m. this 30th day of October, 2007:

Timothy J. Coffey  
The Coffey Law Office, P.C.  
1403 East Forest Avenue  
Wheaton, Illinois 60187  
Email: [tcofflaw@sbcglobal.net](mailto:tcofflaw@sbcglobal.net)



D. Scott Watson

**Plaintiff's Exhibit 3**

**Defendant's Memorandum of Clarification of Principal Place of Business**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOSE ANDREU,	)	
	)	
Plaintiff,	)	
	)	Case No. 07 C 06132
v.	)	
	)	Judge Der-Yeghiayan
UNITED PARCEL SERVICE, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT UNITED PARCEL SERVICE'S  
MEMORANDUM OF CLARIFICATION OF  
UPS'S PRINCIPAL PLACE OF BUSINESS**

Defendant United Parcel Service ("UPS") submits this Memorandum of Clarification of UPS's Principal Place of Business requested by this Court and states as follows:

On or about October 30, 2007, UPS filed its Notice of Removal of this action from the Circuit Court of the Eighteenth Judicial District, County of DuPage, Illinois to this United States District Court. In paragraph 3 of its Notice of Removal, UPS referred to itself as "an Ohio corporation (Complaint ¶ 3) with its home office in Atlanta, Georgia, therefore UPS is a citizen of Ohio and Georgia."

In recognition of the requirements of diversity jurisdiction recognized by the U.S. Court of Appeals for the Seventh Circuit, UPS should have further identified Atlanta, Georgia as its principal place of business and does so now.

WHEREFORE, Defendant United Parcel Service clarifies its previous filings by affirmatively stating that its principal place of business is Atlanta, Georgia.

DATED: December 6, 2007

UNITED PARCEL SERVICE, INC.

By: /s/ D. Scott Watson  
One of Its Attorneys

John A. Klages, #06196781  
D. Scott Watson, #06230488  
Gary R. Clark, #06271092  
Ellen M. Girard, #06276507  
Quarles & Brady LLP  
500 West Madison Street, Suite 3700  
Chicago, IL 60661-2511  
312/715-5000

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that on December 6, 2007, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Timothy J. Coffey  
The Coffey Law Office, P.C.  
1403 East Forest Avenue  
Wheaton, Illinois 60187  
Email: [tc@thaw77sbcs10pal.net](mailto:tc@thaw77sbcs10pal.net)

/s/ D. Scott Watson

**Plaintiff's Exhibit 4**

**Plaintiff's Deposition Transcript**

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION  
4 JOSE ANDREU, )  
5 Plaintiff, )  
6 -vs- ) No. 07 C 00473  
7 UNITED PARCEL SERVICE, INC., )  
8 Defendant. )  
9  
10 The deposition of JOSE ANDREU, called for  
11 examination, taken pursuant to the Federal Rules  
12 of Civil Procedure of the United States District  
13 Courts pertaining to the taking of depositions,  
14 taken before ZONA B. MILLER, a Notary Public  
15 within and for the County of Lake, State of  
16 Illinois, and a Certified Shorthand Reporter of  
17 said state, at Suite 3700, 500 West Madison  
18 Street, Chicago, Illinois, on the 28th day of  
19 August, A.D. 2007, at 10:00 a.m.  
20  
21  
22  
23  
24

Page 2

1 PRESENT:  
2 THE COFFEY LAW OFFICE, P.C.,  
3 (1403 East Forest Avenue,  
4 Wheaton, Illinois 60187,  
5 630-534-6300), by:  
6 MR. TIMOTHY J. COFFEY,  
7 appeared on behalf of the Plaintiff;  
8  
9 QUARLES & BRADY,  
10 (Citicorp Center,  
11 500 West Madison Street, Suite 3700,  
12 Chicago, Illinois 60661), by:  
13 MR. D. SCOTT WATSON,  
14 appeared on behalf of the Defendant.  
15  
16  
17  
18  
19  
20  
21  
22  
23 REPORTED BY: ZONA B. MILLER, C.S.R.  
24 CERTIFICATE NO. 84-0428.

**COPY**

Page 3

1 (WHEREUPON, the witness was duly  
2 sworn.)  
3 MR. WATSON: This is the deposition of  
4 Jose Andreu taken pursuant to the Federal Rules of  
5 Civil Procedure and in accordance with the notice  
6 of deposition issued to counsel of record.  
7 JOSE ANDREU,  
8 called as a witness herein, having been first duly  
9 sworn, was examined and testified as follows:  
10 EXAMINATION  
11 BY MR. WATSON:  
12 Q. Mr. Andreu, we have met. My name is  
13 Scott Watson, the attorney for UPS. I'm going to  
14 be asking you some questions today. And I always  
15 like to start with some introductory questions  
16 just to sort of set some ground rules for the  
17 deposition.  
18 Have you ever given a deposition  
19 before?  
20 A. No.  
21 Q. I know you've seen several as part of  
22 this case. But just so everything is clear to  
23 you, will you wait until each question is  
24 completed before you give your response, okay?

Page 4

1 A. Okay.  
2 Q. And will you give your responses out  
3 loud as opposed to a nod of the head or a shrug of  
4 the shoulders or some other gesture?  
5 A. Okay.  
6 Q. And we'd like that because our court  
7 reporter can't write a shake of the head, a shrug  
8 of the shoulders.  
9 A. I understand.  
10 Q. Thank you. If your answer to a  
11 question is yes or no, will you say yes or no as  
12 opposed to uh-huh or uh-uh or something like that?  
13 A. Yes.  
14 Q. And again, it just makes it easier on  
15 our court reporter.  
16 A. Okay.  
17 Q. If I ask a question or use words you  
18 don't understand, will you let me know?  
19 A. Yes.  
20 Q. And I'll be glad to rephrase or restate  
21 a question. But you do understand if you answer a  
22 question, it's going to be assumed that you  
23 understood the question. Do you understand that?  
24 A. Okay.

Page 9

1 there, if you remember?  
2 A. I remember moving in 1991, went to  
3 Wells Fargo.  
4 Q. Wells Fargo, which branch or facility?  
5 A. It was right here on Madison. I can't  
6 remember the address, but Racine and Madison,  
7 right on the corner. And I was a driver guard.  
8 Q. You were what, sir?  
9 A. Driver guard.  
10 Q. Driver guard?  
11 A. Hm-hmm. Yes.  
12 Q. That started in 1991, you believe?  
13 A. Yes.  
14 Q. Until when?  
15 A. I was there 'til 2000, I think.  
16 Q. What was your next non-UPS position?  
17 A. Bedford Motors.  
18 Q. What did you do at Bedford Motors, sir?  
19 A. I was a truck driver.  
20 Q. And you worked at Bedford Motors from  
21 when to when?  
22 A. 'Til '03.  
23 Q. Did you start there in 2000 when you  
24 left Wells Fargo?

Page 10

1 A. Not right away.  
2 Q. Were either of the positions at Wells  
3 Fargo or Bedford Motors, were they unionized  
4 positions?  
5 A. No.  
6 Q. After Bedford Motors, sir, what was  
7 your next non-UPS position?  
8 A. That's it.  
9 Q. That's it?  
10 MR. WATSON: I'll ask this be marked Andreu  
11 Exhibit 1.  
12 (WHEREUPON, a certain document was  
13 marked Andreu Deposition Exhibit No.  
14 1, for identification, as of  
15 8/28/07.)  
16 BY MR. WATSON:  
17 Q. I'll ask you to take a look at that.  
18 And my first question simply is going to be do you  
19 recognize it?  
20 A. Yes.  
21 Q. What is this document, sir?  
22 A. I don't know how to describe.  
23 Q. Let me just, hopefully, make it simple.  
24 Is this the complaint that was filed by you and

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1 your attorney to initiate this action?  
2 A. Yes.  
3 Q. Did you review this with your attorney  
4 before responding to the court?  
5 A. Yes.  
6 Q. If I could ask you to turn to the  
7 second page in Paragraph 7, according to Paragraph  
8 7 of your complaint, you began working for UPS in  
9 1996, is that correct?  
10 A. Yes.  
11 Q. Kind of as we did a moment ago with the  
12 positions you had outside of UPS, I'd like to ask  
13 you about the different positions you had within  
14 UPS from 1996 until your termination in 2005.  
15 What was your first job with UPS?  
16 A. Loading --  
17 Q. Were you --  
18 A. -- on the air dock.  
19 Q. Was that a part-time position, sir?  
20 A. Yes.  
21 Q. And was it a unionized position? Were  
22 you a member of Teamsters Local 705?  
23 A. Yes.  
24 Q. And how long were you a loader on the

Page 12

1 air dock, sir?  
2 A. Two months.  
3 Q. What was your next position?  
4 A. Air driver.  
5 Q. Was that also a part-time position?  
6 A. Yes.  
7 Q. And that was also a unionized position,  
8 correct?  
9 A. Yes.  
10 Q. And how long were you an air driver?  
11 A. 'Til I went full time in '03.  
12 Q. So from sometime in 1996 until '03,  
13 approximately seven years?  
14 A. Yes.  
15 Q. What did you do as an air driver?  
16 A. Delivery of package early morning.  
17 Q. When you say you were an air driver and  
18 delivered early morning, were these the next-day  
19 air packages that UPS delivers?  
20 A. Yes.  
21 Q. You said a moment ago that you became  
22 full time in 2003. In what position, sir?  
23 A. Package car driver.  
24 Q. And was that the position you had

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1 when Mr. Mendez was injured?

2 A. No.

3 Q. Do you remember how Mr. Mendez was

4 injured?

5 A. No.

6 Q. Do you remember if Mr. Mendez was

7 working at UPS in March of 2005?

8 A. Yes.

9 Q. Did you see him at work around that

10 time?

11 A. Yes.

12 Q. Had he been injured prior to that?

13 A. Yes.

14 Q. When he was injured, did he actually

15 miss work?

16 A. I don't know.

17 Q. I think I asked this, but I can't

18 remember for sure. Do you remember how Mr. Mendez

19 injured himself?

20 A. No, I don't.

21 Q. Back to your complaint for a moment,

22 Mr. Andreu. You claim in Paragraph 9 of your

23 complaint that you injured your back on

24 January 24 -- I'll start over.

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1 You claim in Paragraph 9 of your

2 complaint that you injured your back on

3 January 24, 2005, is that correct?

4 A. Yes.

5 Q. I'd like to go through that day, if we

6 could. Do you remember what time you arrived at

7 work that day?

8 A. Around 7:30.

9 Q. And was that your regular arrival

10 time?

11 A. Yes.

12 Q. And were you assigned a route that day?

13 A. Yes.

14 Q. Do you remember who told you what route

15 you were assigned?

16 A. Mr. Dave Ziltz.

17 Q. Mr. Dave Ziltz?

18 A. Yes.

19 Q. Do you remember what route you were

20 assigned to?

21 A. They call it Geneva route.

22 Q. Could you briefly describe that route?

23 A. That is part of the Geneva, South

24 Geneva. And I was on my way, halfway there, when

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1 I got the message saying that pull over and wait

2 because I was going to get transferred to Route

3 59.

4 Q. Okay. So you were told initially you

5 were going to go the Geneva route?

6 A. In the morning.

7 Q. You prepared for that route. You set

8 up the next-day airs, that kind of thing?

9 A. Yes.

10 Q. And you were driving towards the route

11 when you got the message to pull over and wait,

12 you were being transferred to another route?

13 A. Yes.

14 Q. Who contacted you and told you to pull

15 over?

16 A. I don't know.

17 Q. How did you get the message?

18 A. Through the DIAD board.

19 Q. Now, I'd asked you a moment ago to

20 describe the Geneva route. And I think you said

21 it was part of South Geneva. Was it an industrial

22 route, a residential route, a combination?

23 A. Combination.

24 Q. Combination of what, sir?

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1 A. Industrial route and residential.

2 Q. And you indicated that you were pulled

3 over and told you were being transferred to Route

4 59. Route 59, could you describe that for us?

5 A. Route 59, that's the west and south

6 of -- I'm sorry, east side of Aurora and south.

7 Q. Do you know why this route change

8 occurred?

9 A. I don't know.

10 Q. So you pull over. What happens?

11 A. I pull over and wait for the other

12 driver to arrive with Route 59 truck. We switch

13 trucks and I went on.

14 Q. Did you give this other driver your

15 truck and he took yours?

16 A. Yes.

17 Q. You took yours, he took yours?

18 A. Yes.

19 Q. You exchanged trucks. Who was the

20 other driver?

21 A. I believe his name is Murio Montgomery.

22 Q. Montgomery?

23 A. Yes. M-u-r-i-o.

24 Q. I'd like to take you back a little bit,



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Page 59

1 Q. Were you standing on the ground or were  
2 you standing on part of the vehicle?  
3 A. On the ground.  
4 Q. And thank you, sir. I just wanted to  
5 make sure we had that information.  
6 You indicated that you called in to the  
7 center and were told to wait for a supervisor,  
8 correct?  
9 A. They said, "Make the ahrs and then  
10 we'll" -- "call us back. Let us know where you  
11 are so you can meet the supervisor."  
12 Q. Let's, again, maybe back up just a  
13 moment. If you would look at paragraph 10 of your  
14 complaint. Do you see where I'm referring to,  
15 sir? Paragraph 10. Paragraph 10 reads:  
16 "He immediately called into UPS and  
17 reported the work accident and his resulting back  
18 injuries."  
19 Is that correct?  
20 A. Yes.  
21 Q. I'll just kind of step back to this.  
22 Did you do that? Did you call UPS immediately?  
23 A. Yes.  
24 Q. Who did you call?

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1 A. I don't remember who I talked to.  
2 Q. Did you call a direct number or general  
3 number? Strike that.  
4 Did you call the Aurora Center?  
5 A. Yes.  
6 Q. And you don't remember who you spoke  
7 to?  
8 A. I believe her name is Amanda.  
9 Q. Do you remember Amanda's position?  
10 A. No.  
11 Q. How did you call in, sir? Did you call  
12 in from a phone booth, did you go to somebody's  
13 house, a cell phone?  
14 A. A phone.  
15 Q. Excuse me, sir?  
16 A. A phone.  
17 Q. A phone?  
18 A. Yes.  
19 Q. But --  
20 A. My cell phone.  
21 Q. Your cell phone. Okay.  
22 A. Yes.  
23 Q. Do you remember what time of morning  
24 this was? And I'm assuming it was morning, since

1 it was your first stop.  
2 A. I don't remember exactly.  
3 Q. Now, I bring you back to where you were  
4 a moment ago. You believe you spoke to Amanda?  
5 A. Yes.  
6 Q. And I may not have asked this. Do you  
7 know what Amanda's position was with UPS?  
8 A. I don't know.  
9 Q. And I apologize. I couldn't remember  
10 if I asked you.  
11 What did you say to her and what did  
12 she say to you?  
13 A. I told her exactly what I just said.  
14 Q. As in you described what happened as  
15 you described it to us today?  
16 A. Yes.  
17 Q. And did she respond?  
18 A. Yes.  
19 Q. And how did she respond?  
20 A. She said, "Do the ahrs and call us back  
21 so the supervisor can meet you."  
22 Q. So she told you to do the air packages?  
23 A. Yes.  
24 Q. How many air packages did you have that

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1 morning, if you remember?  
2 A. I don't remember.  
3 Q. Did you respond to her when she told  
4 you to do the ahrs and call us back?  
5 A. I was talking to her on the phone.  
6 Q. I understand that. What did you say to  
7 her?  
8 A. I did what she told me to do.  
9 Q. But did you say anything else to her  
10 after she told you to do the ahrs and call them  
11 back?  
12 A. Don't remember.  
13 Q. Do you remember anything else about the  
14 conversation, either anything else you said or  
15 anything else that this person Amanda may have  
16 said?  
17 A. No.  
18 Q. So I think you've already indicated you  
19 then went and did the ahrs, correct?  
20 A. Right.  
21 Q. Any idea of how long that took you?  
22 A. I don't remember exactly.  
23 Q. When you completed the ahrs, did you  
24 call back in to the center?

15 (Pages 57 to 60)

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1 Q. And below that it says Time In: 7:39,  
2 and Time Out: 7:55. If you recall, would that  
3 have been in the morning or in the evening?  
4 A. I believe it was morning time.  
5 Q. Under Disability Status, again, as in  
6 the document we looked at earlier, none is X'd, is  
7 marked, is that correct?  
8 A. Yes.  
9 Q. Under Diagnosis, this gets a little  
10 tougher with doctor writing, but I believe that  
11 says lumbosacral strain, if you have any idea.  
12 A. No idea.  
13 Q. As you look at this doctor's note and  
14 as you also recall the visit, do you recall being  
15 given any restrictions on this date as with regard  
16 to your ability to work?  
17 A. No, no restrictions.  
18 Q. Sir, looking back at your complaint  
19 that we've been going through, would you look at  
20 Paragraph 22, and this is on page 4, sir, it says  
21 on or about February 11, 2005, you informed your  
22 superiors you could no longer perform your duties  
23 due to the pain you were experiencing. Is that  
24 what it says? And, again, I was paraphrasing.

1 Q. So what was your light duty? What did  
2 you do?  
3 A. They have me scanning about thousand  
4 packages in the morning --  
5 THE COURT REPORTER: I'm sorry. Could you  
6 repeat your answer?  
7 BY THE WITNESS:  
8 A. I was light duty. I was doing scanning  
9 packages on the trucks and answering the phone.  
10 BY MR. WATSON:  
11 Q. Anything else?  
12 A. Not that I remember.  
13 Q. Do you recall, were you working eight  
14 hours a day?  
15 A. Yes.  
16 Q. And you said you were scanning, I think  
17 you initially said scanning about a thousand  
18 packages. How would you scan a package?  
19 A. Mr. Kerri Snyder -- I'm sorry.  
20 Jim Prunet, it was early supervisor, and he will  
21 tell me what trucks I go and scan packages with  
22 the scanner.  
23 Q. What's the scanner? What's it look  
24 like? How big is it? If you could just describe

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1 A. Yes.  
2 Q. Who did you inform?  
3 A. Mr. Kerri Snyder.  
4 Q. At the time you informed Mr. Snyder,  
5 did you have something from a doctor saying that  
6 you couldn't work?  
7 A. No.  
8 Q. And according to the last two sentences  
9 of Paragraph 22 of the complaint you missed  
10 several days of work, and continued to receive  
11 medical treatment, and returned to work on or  
12 about February 17th, is that correct?  
13 A. Yes.  
14 Q. Now, when you returned to work on  
15 February 17th, did you return as a package car  
16 driver?  
17 A. I believe I was placed on light duty at  
18 that time.  
19 Q. Did you hear the term "TAW" or  
20 "temporary alternative work" used?  
21 A. No.  
22 Q. Have you ever heard those terms before  
23 with regard to --  
24 A. I don't remember.

1 it briefly.  
2 A. Scanner is very small. You put it in  
3 your -- I don't know if they have those or not.  
4 You put it in your hand and you just press a  
5 button and you scan the package.  
6 Q. It's scanned --  
7 A. It has a laser and it scans the bar  
8 code.  
9 Q. It scans the bar code on the package  
10 using a laser?  
11 A. Yes.  
12 Q. And it's something you would hold in  
13 your hand essentially?  
14 A. Yes.  
15 Q. So was that your light-duty work,  
16 scanning packages, answering the phones? Anything  
17 else?  
18 A. Not that I remember right now.  
19 Q. You say Jim Prunet would be the one to  
20 tell you what trucks to scan?  
21 A. Yes.  
22 Q. And I think you called him the early  
23 supervisor. Would he also be referred to as the  
24 preload supervisor, if you know?

32 (Pages 125 to 128)

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1 A. I don't remember.  
2 Q. Mr. Andreu, if I could ask you a couple  
3 of more questions about your interrogatories. If  
4 you turn to page 12 and 13, please, sir,  
5 Interrogatory No. 14.  
6 Interrogatory 14 asks you to describe  
7 in detail any physical, mental or emotional  
8 injuries you claim to have suffered as a result of  
9 the conduct alleged in your charge -- it should be  
10 complaint -- in this case. And your response is  
11 on page 13. Do you see where the answer is, sir?  
12 A. Yes.  
13 Q. And in your answer you indicate that  
14 you suffered from a variety of emotional injuries  
15 and pain, including but not limited to, worry,  
16 embarrassment, depression, fear, betrayal,  
17 harassment, anger, anxiety, loss of self-esteem/  
18 self-worth, financial stress, family discord,  
19 sleeplessness and headaches. Do you see the list  
20 of things I've just read off?  
21 A. Yes.  
22 Q. Did you have to -- let me strike that.  
23 Did you receive any medical  
24 attention --

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1 A. No, I didn't.  
2 Q. -- for -- okay. For any of these  
3 things listed?  
4 A. No.  
5 Q. You didn't see a psychiatrist or  
6 psychologist or counselor about any of these  
7 items?  
8 A. No.  
9 Q. When you say sleeplessness, how did  
10 that manifest itself? Was it just hard to get to  
11 sleep at night? Were you up all night?  
12 A. Sometimes up all night, having  
13 nightmares; like waking up. I can hear Mr. Ziltz'  
14 voice screaming at me.  
15 Q. How many times did that happen?  
16 A. A lot.  
17 Q. What's "a lot"?  
18 A. A lot of times. Every time I remember  
19 I get a stomachache.  
20 Q. You didn't list stomachache as one of  
21 your items here, is that correct?  
22 A. No, I did not.  
23 Q. And you didn't receive any treatment  
24 for a stomachache or for sleeplessness or anything

1 along those lines, correct?  
2 A. No.  
3 Q. Did you take any medication for  
4 sleeplessness?  
5 A. No, sir.  
6 Q. Interrogatory No. 15 was the next one  
7 down on page 13, and the answer is on page 14.  
8 Interrogatory 15 asked you about other  
9 employers since October of 2001. And earlier  
10 today you told us about the Bedford Motor Service,  
11 Inc. Right there in the middle of the page you  
12 say you've been employed since October 2005 with  
13 J & J Tee Service Company, and that you are the  
14 president and part owner, and that as of today  
15 that company has not paid salaries or wages. What  
16 is J & J Tee Service?  
17 A. Tree services.  
18 Q. As in tree trimming, that kind of  
19 thing?  
20 A. Yes.  
21 Q. Have you worked for J & J -- should  
22 that be J & J Tree Service instead of Tee Service?  
23 A. Yes.  
24 Q. I thought it was a T-shirt company when

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1 I first read it.  
2 So have you worked as a tree trimmer  
3 for J & J Tree Service?  
4 A. As July '06.  
5 Q. Excuse me, sir?  
6 A. As July '06, I work full time.  
7 Q. Since July '06 you've worked full time?  
8 A. Yes.  
9 Q. Does J & J Tree Service Company have  
10 any other employees other than yourself?  
11 A. My brother.  
12 Q. What's your brother's name?  
13 A. He's name is Jorge L. Andreu.  
14 Q. Jorge, J-o-r-g-e?  
15 A. Yes.  
16 Q. And you have worked full time for them  
17 for the last 13 months?  
18 A. Since July '06.  
19 Q. Do you have -- does J & J Tree Service  
20 Company have contracts with individuals for  
21 regular trimming or is it --  
22 A. Yes.  
23 Q. Who do you have contracts with?  
24 A. Um, with, um, private owners. If you

38 (Pages 149 to 152)

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1 need a tree trimmer, you call J & J. We go up  
2 there and we sign the contract with you.  
3 Q. So individuals. Do you have any  
4 contracts with businesses?  
5 A. No.  
6 Q. So just individuals, residential?  
7 A. Yes.  
8 Q. Does J & J Tree Service send these  
9 people a bill?  
10 A. Either that or they pay when the job is  
11 completed.  
12 Q. And does the price of job vary with  
13 what the services are?  
14 A. Yes.  
15 Q. Give us a rundown of what kind of  
16 services and what kind of expenses J & J Tree  
17 Service offers and for how much those services are  
18 charged out.  
19 A. It varies a lot. If you need a tree  
20 plant, it depends on the size of the tree. It can  
21 go from \$300 to \$1,500.  
22 Q. Is that for a tree to be planted, did  
23 you say?  
24 A. Yes.

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1 Q. What other kinds of services, and the  
2 charges for those, please?  
3 A. Trimming. It varies, too, on the --  
4 you know, how many bushes in the area. It varies.  
5 Q. From a low end to a high end, what  
6 would the trimming be?  
7 A. From \$800 to what -- 3,000, \$4,000.  
8 Q. Any other services?  
9 A. Tree removal.  
10 Q. And how much does that cost?  
11 A. Small trees -- we do small trees, 5,  
12 \$600.  
13 Q. Big trees?  
14 A. We don't do them.  
15 Q. So you never charged over \$600 to  
16 remove a tree?  
17 A. Yes. A thousand dollars.  
18 Q. You charged up to a thousand?  
19 Any other services that J & J Tree  
20 Service offers?  
21 A. No.  
22 Q. Does J & J Tree Service have a  
23 location?  
24 A. Yes. It has two address. My brother's

1 address and my address.  
2 Q. So just home addresses?  
3 A. Yes.  
4 Q. Is there any property in the name of  
5 the company?  
6 A. No.  
7 Q. Has J & J Tree Service Company been  
8 formally incorporated?  
9 A. Yes.  
10 Q. With documents filed with the Secretary  
11 of State and that kind of thing?  
12 A. Yes.  
13 Q. Does J & J Tree Service pay taxes?  
14 A. Yes.  
15 Q. Now, it says, "To date, the company has  
16 not paid salaries or wages to Plaintiff."  
17 Have you received any income from J & J  
18 Tree Service, whether or not you consider it a  
19 salary or wages?  
20 A. Yes. Last year, I receive \$15,000.  
21 Q. And how was that determined?  
22 A. Base on the work that I did.  
23 Q. What did your brother receive?  
24 A. I'm not sure. 27 or so.

1 Q. 27,000?  
2 A. I think so. Around 27.  
3 I got to go to the bathroom. I'm  
4 sorry.  
5 MR. WATSON: Actually, this is a good time.  
6 If we could take a couple-of-minute break, I'll go  
7 through things and see if there's any additional  
8 questions.  
9 (WHEREUPON, a recess was had.)  
10 BY MR. WATSON:  
11 Q. Mr. Andreu, I'm going to show you what  
12 we'll mark as Exhibit 14.  
13 (WHEREUPON, a certain document was  
14 marked Andreu Deposition  
15 Exhibit No. 14, for  
16 identification, as of 8/28/07.)  
17 BY MR. WATSON:  
18 Q. Do you recognize this, sir?  
19 A. Yes.  
20 Q. I believe you indicated that's part of  
21 your earlier testimony that you were released by  
22 your doctors to work full duty without  
23 restrictions in October of 2005. Is this, in  
24 fact, that release, sir?

39 (Pages 153 to 156)

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1 A. Yes.  
2 Q. And it's dated on the top right-hand  
3 corner of the -- it looks like a note that was  
4 copied October 20, 2005?  
5 A. Yes.  
6 Q. Does that sound about right?  
7 A. Yes.  
8 Q. Mr. Andreu, you did, in fact, file with  
9 regard to your January 24, 2005 injury a worker's  
10 compensation claim, correct?  
11 A. Yes.  
12 Q. And did you, in fact, receive worker's  
13 compensation benefits?  
14 A. Yes.  
15 MR. WATSON: This is Andreu 15.  
16 (WHEREUPON, a certain document was  
17 marked Andreu Deposition  
18 Exhibit No. 15, for  
19 identification, as of 8/28/07.)  
20 BY MR. WATSON:  
21 Q. Mr. Andreu, you also filed at some  
22 point a claim for unemployment insurance, correct?  
23 A. Yes.  
24 Q. When did you file that, sir?

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1 A. It was in '06.  
2 Q. You filed for unemployment in '06?  
3 A. I don't remember exactly.  
4 Q. Is it possible you filed for  
5 unemployment in '05?  
6 A. I'm not sure.  
7 Q. The document I've handed you, sir, it  
8 states it's the State of Illinois Department of  
9 Employment Security Work Search Record. Do you  
10 see that title at the top?  
11 A. Yes.  
12 Q. And what is this? What information  
13 does this contain?  
14 A. Information over here that I wrote down  
15 the jobs I was calling and looking for.  
16 Q. Was this at the direction of the  
17 Department of Unemployment Insurance -- or excuse  
18 me -- the Department of Unemployment Security? I  
19 apologize.  
20 A. Yes.  
21 Q. Now, you hadn't worked at UPS since  
22 March of 2005, correct?  
23 A. Yes.  
24 Q. Had you -- and you were released to

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1 full-duty work in October of 2005, as we looked at  
2 in the note just a moment ago, Exhibit 14,  
3 correct?  
4 A. Yes.  
5 Q. Had you looked for work prior to  
6 January 20, 2006?  
7 A. No.  
8 Q. One last question, Mr. Andreu. Did you  
9 ever consider filing a lawsuit against Local 705  
10 with regard to your termination from UPS?  
11 A. I don't know.  
12 Q. You don't know if you ever considered  
13 it?  
14 A. I haven't considered it.  
15 MR. WATSON: I have no further questions.  
16 MR. COFFEY: I have a couple of questions, if  
17 I may.  
18 EXAMINATION  
19 BY MR. COFFEY:  
20 Q. Let me pick up right where we left off,  
21 Mr. Andreu, Exhibit 15, your work search record.  
22 Now, the first entry here on January 20, 2006. Do  
23 you see that?  
24 A. Yes.

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1 Q. You're released from work, as we saw,  
2 October 2005, several months before that, correct?  
3 A. Yes.  
4 Q. Did you make any calls or do anything  
5 to try to find work after you were released in  
6 October 2005?  
7 A. Yes.  
8 Q. What did you do, and when did you do  
9 it?  
10 A. I was home with the kids because we let  
11 the babysitter go, and I was making phone calls  
12 and -- look through the paper and make phone  
13 calls.  
14 Q. And what period of time is this that  
15 you're looking through the paper and making phone  
16 calls?  
17 A. During the day.  
18 Q. What month? You're released from work  
19 in October 2005. Is this after October 2005?  
20 A. Yes.  
21 Q. Did you do anything in November 2005 to  
22 try to find work?  
23 A. Yes.  
24 Q. What did you do?

40 (Pages 157 to 160)



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1 A. I call my cousin Vincente. He has a  
2 couple of trucks. And he told me that he needed  
3 driver, but I didn't have the -- that CDL Class A  
4 to drive one of his trucks. And then I tried to  
5 go to the State and operate my license, but I  
6 need -- they told me that I need to go to school,  
7 to go to school for driving the big trucks. And I  
8 went and called the school, and they wanted around  
9 \$4,000 for the training. And at that time, there  
10 was no money.  
11 Q. This is November '05?  
12 A. Yes.  
13 Q. Anything else during the months of  
14 November, December prior to this entry here,  
15 January 20, '06, that you did to try to find work?  
16 A. Same thing. I did call the -- I did  
17 call a lot of places to -- I was looking in the --  
18 in that -- the paper.  
19 Q. And you were making calls based on what  
20 you're finding in the paper?  
21 A. Yes.  
22 Q. How many calls would you say you made  
23 in that time period, November, December and  
24 January 2006, before your January 20th entry here?

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1 A. At least three, four a day.  
2 Q. Okay. And you were unable to find  
3 work, I take it, during that time period?  
4 A. Yes.  
5 Q. I think there was a question about  
6 J & J Tree Service along the lines of is there any  
7 property in the name of the company. And I'm not  
8 sure -- does J & J Tree Service use equipment for  
9 their jobs?  
10 A. Yes.  
11 Q. And J & J Tree Service Company owns the  
12 equipment, I take it?  
13 A. Yes.  
14 Q. So that property will be in the name of  
15 the company, correct?  
16 A. Yes.  
17 Q. Just there's no office, so to speak?  
18 A. No, there's no land.  
19 Q. You were asked if you had anything else  
20 that supported your belief that a grievance was  
21 filed on your behalf by Local 705, and then you  
22 gave some testimony that you went and appeared  
23 before a panel about the grievance, correct?  
24 A. Yes.

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1 Q. That's your understanding of why you  
2 appeared before that panel was because of the  
3 grievance, right?  
4 A. Yes.  
5 Q. So does that appearance in March of  
6 '06, does that support your belief that a  
7 grievance was filed?  
8 A. Yes.  
9 Q. Way back in the start of the deposition  
10 we were talking about -- the question was asked  
11 whether there was any medication that affected  
12 your ability to remember and whether you were  
13 taking any medication in 2005 that affected your  
14 ability to remember the events of 2005. And I  
15 think you started talking about -- I mean, we've  
16 seen you've been on Advil. That is what the  
17 doctor at the clinic was prescribing for you,  
18 correct?  
19 A. Right.  
20 Q. Let me just ask you: Was there any  
21 medication that you've taken since 2005 up to  
22 today that has affected your ability to remember?  
23 A. No.  
24 Q. So as far as you know, your ability to

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1 remember the events and all the testimony that  
2 you've given today is unaffected by any  
3 medication, right?  
4 A. Yes.  
5 Q. You gave some testimony about a  
6 supervisor by the name of Ginger. Was that in the  
7 Aurora Center or in the Air Center?  
8 A. In the Air Center.  
9 Q. With respect to medical restrictions,  
10 at some point in time you were placed on work  
11 restrictions by your doctor, correct?  
12 A. Yes.  
13 Q. And that was in February of '05 when  
14 you came back and then you were put on light duty  
15 and working light duty?  
16 A. Yes.  
17 Q. Do you know what those work  
18 restrictions were?  
19 A. Lifting and sitting.  
20 Q. Do you know how long the sitting  
21 duration was or the amount of lifting in terms of  
22 pounds; if you know?  
23 A. Not sitting longer than 20 minutes or  
24 lifting more than 20 pounds.

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1 Q. I think earlier you said sitting 20  
2 minutes and not lifting more than 5 pounds. Do  
3 you know what the lifting restrictions are or are  
4 you uncertain?  
5 A. At first, it was five pounds, and later  
6 it was 20 pounds.  
7 Q. Well, you gave -- whatever these  
8 restrictions were, you got copies of them from the  
9 doctor. And did you give those to your -- when  
10 you were still working at UPS, did you give those  
11 to your supervisors?  
12 A. Yes.  
13 Q. And these restrictions are right,  
14 correct?  
15 A. Yes.  
16 Q. And you believe you've turned over the  
17 copies of those restrictions to UPS in this case  
18 as they've requested?  
19 A. Yes.  
20 Q. So whatever the restrictions are in  
21 writing --  
22 A. Yes.  
23 Q. -- that's -- whatever the doctors have  
24 written on those notes, those are your

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1 restrictions, right?  
2 A. Yes.  
3 Q. You were also asked about any basis for  
4 your belief that it was 3:00 when these  
5 communications started on February 9th of 2005.  
6 Let me ask you, the DIAD board that you used for  
7 delivering packages, does that have a readout of  
8 what time it is?  
9 A. Yes.  
10 Q. And when you're delivering packages  
11 throughout the day, particularly on February 9th,  
12 2005, you record each delivery on the DIAD board,  
13 right?  
14 A. Yes.  
15 Q. And when you record that on the DIAD  
16 board, you're looking at the time as read out on  
17 the DIAD board, right?  
18 A. Yes.  
19 Q. And when you have said in this case  
20 that you believe it's about 3:00 when these  
21 communications start, is that partially based on  
22 your recollection of the DIAD board and the time  
23 that was reflected on your DIAD board?  
24 A. Yes.

Page 167

1 Q. Same thing with the other time you gave  
2 about meeting Mr. Ziltz about 4:45. Again, during  
3 the day, as you're making deliveries, you're  
4 referring to the DIAD board, using the DIAD board,  
5 and the DIAD board has the time on it, correct?  
6 A. Yes.  
7 Q. So every time you're making a delivery,  
8 you're looking at the time.  
9 A. Yes.  
10 Q. Just as if you're looking at a watch,  
11 correct?  
12 A. Yes.  
13 Q. And that experience on February 9th  
14 is -- your estimations of these times in this case  
15 are based on what you recollect from the DIAD  
16 board readout and the time that is shown on the  
17 DIAD board, correct?  
18 A. Yes.  
19 Q. You were shown copies of the two  
20 handwritten notes that you have stated you gave to  
21 Pam Treadwell. Let me just try to get the --  
22 MR. WATSON: Exhibit 6 and 8, I think.  
23 MR. COFFEY: Sounds right.  
24 BY MR. COFFEY:

Page 168

1 Q. Exhibit 6 and 8, do you recall the  
2 testimony you gave on those Exhibits 6 and 8? Do  
3 you recall getting some questions that asked about  
4 Exhibits 6 and 8? Correct?  
5 A. Yes.  
6 Q. I think you were uncertain as to when  
7 you gave these to Miss Treadwell. Would it be  
8 safe to say that you gave them to her prior to you  
9 being terminated?  
10 A. Yes.  
11 Q. So sometime before March 4th?  
12 A. Yes.  
13 MR. COFFEY: I don't have anything else.  
14 FURTHER EXAMINATION  
15 BY MR. WATSON:  
16 Q. Mr. Andreu, you said that J & J Tree  
17 Service Company owns equipment. What kind of  
18 equipment does it own?  
19 A. Four trucks, a bucket, a chipper and a  
20 stump grinder, two trailers, chain saws.  
21 Q. Anything else? I mean, is it -- other  
22 than hand tools, that kind of thing? Do you have  
23 any power equipment, anything like that?  
24 A. No.

42 (Pages 165 to 168)

Page 169

Page 171

1 Q. Was this equipment purchased since the  
2 beginning of the company or did you have it prior  
3 to?

4 A. What there was purchased, one truck and  
5 one machine at the beginning of -- yeah.

6 Q. When you --

7 A. When we started the company.

8 Q. Okay. When you started the company,  
9 you purchased one truck and one machine?

10 A. Yes.

11 Q. What kind of machine?

12 A. It's called a chipper.

13 Q. And the other equipment has been  
14 purchased subsequently?

15 A. Little by little. One at a time. I'm  
16 sorry.

17 Q. Your counsel asked you questions about  
18 the DIAD board at times and how those times on the  
19 DIAD board influenced your recollections. But all  
20 you have are those recollections, correct? You  
21 don't have any memos or anything from that time  
22 that states you got that first contact from UPS at  
23 3:00 p.m., is that correct?

24 A. Correct.

1 IN THE UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION

4 JOSE ANDREU, )

5 Plaintiff, )

6 vs. )No. 07 C 00473

7 UNITED PARCEL SERVICE )

8 Defendant. )

9 I hereby certify that I have read the  
10 foregoing transcript of my deposition given at the  
11 time and place aforesaid, consisting of Pages 1 to  
12 170, inclusive, and I do again subscribe and make  
13 oath that the same is a true, correct and complete  
14 transcript of my deposition so given as aforesaid,  
15 and includes changes, if any, so made by me.

16  
17 JOSE ANDREU

18  
19  
20 SUBSCRIBED AND SWORN TO

21 before me this day  
22 of , A.D. 200 .

23  
24 Notary Public

Page 170

Page 172

1 MR. WATSON: Nothing further.

2 MR. COFFEY: Nothing further from me.

3 MR. WATSON: Are you reserving signature?

4 MR. COFFEY: I'll reserve signature.

5 FURTHER DEPONENT SAITH NOT.  
6  
7  
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1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF LAKE )

4 I, ZONA B. MILLER, a Notary Public within  
5 and for the County of Lake, State of Illinois, and  
6 a Certified Shorthand Reporter of said state, do  
7 hereby certify:

8 That previous to the commencement of  
9 the examination of the witness, the witness was  
10 duly sworn to testify the whole truth concerning  
11 the matters herein;

12 That the foregoing deposition  
13 transcript was reported stenographically by me,  
14 was thereafter reduced to typewriting under my  
15 personal direction and constitutes a true record  
16 of the testimony given and the proceedings had;

17 That the said deposition was taken  
18 before me at the time and place specified;

19 That I am not a relative or employee or  
20 attorney or counsel, nor a relative or employee of  
21 such attorney or counsel for any of the parties  
22 hereto, nor interested directly or indirectly in  
23 the outcome of this action.

24 IN WITNESS WHEREOF, I do hereunto set

43 (Pages 169 to 172)



**STATE OF ILLINOIS  
DEPARTMENT OF EMPLOYMENT SECURITY  
WORK SEARCH RECORD**

SOCIAL SECURITY NO. 354-80-1956 CLIENT'S SIGNATURE [Signature]

Use the table below to keep a record of all the employers and labor unions you contact while filing for Unemployment Insurance benefits. You must maintain your work search information on the form provided by IDES on a weekly basis. You will be required to produce your work search upon request. Failure to do so may result in denial of benefits. Be sure to bring your work search record with you if you come into the local office. If you need additional pages to record your work search, contact your local office or duplicate this form.

**IMPORTANT NOTICE: KEEPING YOUR WORK SEARCH RECORDS**

A determination that you were actively seeking work during a week being claimed is subject to reconsideration. (The determination may be reconsidered despite the fact that you have been paid benefits or returned to work since then.) In order to preserve evidence that you were actively seeking work, do not discard your written work search record for any week being claimed until 53 weeks have passed from the end of that week. Further, if there is an appeal pending regarding your active work search for a week, keep your written work search record until there has been a final resolution of the matter.

**WEEK ENDING**

CONTACT DATE	NAME AND ADDRESS OF CONTACT	PERSON CONTACTED	METHOD OF CONTACT	TYPE OF WORK SOUGHT	RESULTS
01/20/06	Bedford Motors O'Hare	Tony	person	DRIVER FORKLIFT	NO
01/23/06	REM TRUCKING 600 Thomas Bensenville	UNKNOWN FRONT DESK	person	TRUCK DRIVER	NO
01/24/06	Fed EX La Grange IL	John	person	PACKAGE DELIVERY	NO
01/27/06	MILAN EXPRESS CO 5151 S Lawndale	MIKE	person	TRUCK DRIVER	NO
01/31/06	CR England	Chris	person	DRIVER	NO

**WEEK ENDING**

CONTACT DATE	NAME AND ADDRESS OF CONTACT	PERSON CONTACTED	METHOD OF CONTACT	TYPE OF WORK SOUGHT	RESULTS
02/03/06	EXEL CAROL STREAM IL	GARY	PERSON	DELIVERY	NO
02/06/06	EXEL Global LOGISTICS Aurios ST Bensenville	Dan	PERSON	TRUCK DRIVER	NO
02/10/06	NORTHWEST Ford MANHEIM Rd FRANKLIN PH	SARIN	PERSON	MAINTANCE	NO
02/13/06	Gardner Tree WEST CHICAGO	CHUCK	PERSON	DRIVER	NO
02/14/06	TRI STATE 7001 ARSON Bensenville IL	Robert	PERSON	DRIVER	

**WEEK ENDING**

CONTACT DATE	NAME AND ADDRESS OF CONTACT	PERSON CONTACTED	METHOD OF CONTACT	TYPE OF WORK SOUGHT	RESULTS
02/17/06	Englon 7353 Cicero	PHONE	PHONE	TRUCKS DRIVER	NO
02/20/06	Ill's cheese cake	PETE	PERSON	Cleaning General	NO
02/21/06	BUTLER TRANSPORT	John	PERSON	TRUCK DRIVER	NO
02/28	MORTON GREEVE PARK DISTRICT	GREG	PERSON	MAINTANANCE	NO
03/02/06	E & R TOWING CRAWFORD		PHONE	Tow Truck DRIVER	NO

SOCIAL SECURITY NO. 354-80-1956 CLIENT'S SIGNATURE [Signature]

## WEEK ENDING

CONTACT DATE	NAME AND ADDRESS OF CONTACT	PERSON CONTACTED	METHOD OF CONTACT	TYPE OF WORK SOUGHT	RESULTS
03/1/06	Hill's Chicago	UNKNOWN	PHONE	DRIVER	NO
03/8/06	Chicago Sun Times	PAT	PHONE	Delivery DRIVER	NO
03/10/06	Falcon	RYAN	PHONE	DRIVER	NO
03/14/06	Heartland Express	JOHN	PHONE	DRIVER	NO
03/16/06	CNAS E Companion	Ramon	PERSON	DRIVER	NO

## WEEK ENDING

CONTACT DATE	NAME AND ADDRESS OF CONTACT	PERSON CONTACTED	METHOD OF CONTACT	TYPE OF WORK SOUGHT	RESULTS
03/19/06	TH RYAN COTTAGE		PERSON	DRIVER	Will call
03/21/06	Pirturno construction Cable TV Installers	Pirturno	PERSON	MAINTANCE	NO
03/23/06	Elegant Banquets	Seph	PERSON	COOK	NO
03/27/06	Glenwood Oaks Restaurant		PHONE	COOK	NO
03/					

## WEEK ENDING

CONTACT DATE	NAME AND ADDRESS OF CONTACT	PERSON CONTACTED	METHOD OF CONTACT	TYPE OF WORK SOUGHT	RESULTS

## WEEK ENDING

CONTACT DATE	NAME AND ADDRESS OF CONTACT	PERSON CONTACTED	METHOD OF CONTACT	TYPE OF WORK SOUGHT	RESULTS

P 000271

**Plaintiff's Exhibit 5**

**Plaintiff's Declaration**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**JOSE ANDREU,**

**Plaintiff,**

**V.**

UNITED PARCEL SERVICE, INC.,

**Defendant.**

**Case No. 07 C 06132**

**Judge Samuel Der-Yeghiayan**

**Magistrate Judge Mason**

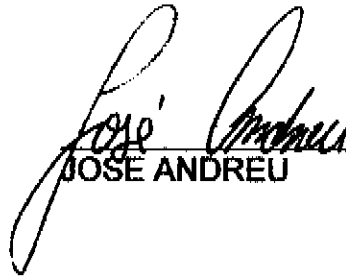
**DECLARATION OF PLAINTIFF JOSE ANDREU IN SUPPORT OF HIS  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

1. I, JOSE ANDREU, am the plaintiff in the above-captioned matter presently pending before this Court, and if called upon could competently testify to the following facts.
2. I make this declaration solely to support my Motion for Partial Summary Judgment in this matter. It is not intended to be a complete account of my efforts to search for work, or the other events or matters addressed herein. Rather, it is intended to supplement my sworn deposition testimony on these issues, and other evidence in the record.
3. After UPS terminated my employment on March 4, 2005, I began to look through the want ads in the paper for work that was within his medical restrictions, and call any prospective employers in search of work that was within my medical restrictions.
4. From March 4, 2005, up until I was medically released to work full duty in October 2005, I made at least five attempts to contact, and/or contacts with prospective employers per week in an attempt to locate work within my medical restrictions.

5. In January 2006, I contacted Bedford Motors, a company I had previously worked for. Bedford Motors offered me a position as truck driver contingent upon my passing a physical. In February 2006, I underwent and passed the requested physical. Despite passing the physical, Bedford Motors refused to hire me.
6. During the period from late January 2006 through June 2006, I continued to look through the want ads, and made at least five contacts with prospective employers per week.
7. I am President and one-half owner of J&J Tree Service Company. My brother, Jorge Andreu owns the other half of J&J. Since July 2006, I have also worked full time for J&J in the position of tree trimmer.
8. For the year 2006, its first full year of operations, J&J Tree Service Company earned revenue of \$123,882.
9. For the year 2007, I believe J&J earned gross revenue of approximately \$160,000. I have yet to have an opportunity to meet with the company accountant to confirm the amount of 2007 gross revenue, so this number is my estimate as of this date.
10. In late 2005, J&J purchased equipment worth approximately \$33,500 for use in operations.
11. In 2006, J&J purchased equipment worth approximately \$42,000 for use in operations.
12. In 2007, J&J purchased equipment with approximately \$50,000 for use in its operations.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing  
is true and correct.

Dated: January 6, 2008

  
JOSE ANDREU

**Plaintiff's Exhibit 6**

**Plaintiff's Documents Bates-Stamped P000259-269**

**THE COFFEY LAW OFFICE, P.C.**  
1403 East Forest Avenue  
Wheaton, IL 60187

Telephone: 630-534-6300  
Facsimile: 630-534-6400

**FACSIMILE COVER LETTER**

TO: Radmila Geever DATE: December 5, 2006  
FIRM: Bedford Motor Service, Inc. FAX#: (630) 739-6799  
FROM: Timothy J. Coffey RE: Jose Andreu

Number of Pages including Cover Letter: 5

*Resending  
4/5/07 MJC*

**CONFIDENTIALITY NOTICE:** The information contained in this facsimile message is attorney privileged and confidential information intended only for the individual or entity named above. If the reader of this message is not the intended recipient or an employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to us at the above address. Thank you.

If you do not receive all of the pages please contact us at 630-534-6300.

**P000259**



**THE COFFEY LAW OFFICE, P.C.  
1403 EAST FOREST AVENUE  
WHEATON, ILLINOIS 60187**

---

FAX (630) 534-6400  
TELEPHONE (630) 534-6300  
EMAIL TCOFFLAW@SBCGLOBAL.NET

December 5, 2006

**VIA FACSIMILE ((630) 739-6799) AND US MAIL**

Radmila Geever  
Bedford Motor Service, Inc.  
2600 Internationale Parkway  
Woodridge, IL 60517-4804

**RE: Former Employee and Applicant Jose Andreu**

Dear Ms. Geever:

Please be advised that Jose Andreu has retained my law firm to investigate any and all legal claims he may have against Bedford Motor Service, Inc., arising from, or in any manner related to, Bedford's refusal to hire him in the position of driver in February 2006.

As Bedford's records reflect, Mr. Andreu worked for it as a driver in the past. He then reapplied for employment in February 2006. At that time, Bedford offered him a job as a driver, and directed him to undergo a physical at MacNeal Occupational Clinic in Schiller Park. Although, he passed the physical and was more than physically capable of performing all of the essential functions of the position, Bedford rescinded its job offer and refused to hire him.

I enclose herewith an authorization signed by Mr. Andreu pursuant to the Illinois Personnel Record Review Act, 820 ILCS §§ 40/2 and 40/3. Please send me copies of all personnel records in Bedford's possession, or in the possession of any of its agents or supervisory employees, concerning or relating to Mr. Andreu. I also enclose herewith copy of an authorization signed by Mr. Andreu for the release of copies of any and all health and medical documents in Bedford's possession to my office.

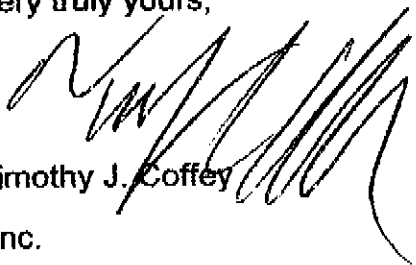
I would welcome a telephone call from you or Bedford's counsel regarding this matter and/or the document requests set forth herein. It has been my experience that all parties to potential litigation are better served by cooperation, and that some litigation can be avoided by simply sharing information.

P000260

Ms. Radmila Geever  
December 6, 2006  
Page 2

Thank you for your cooperation with this matter. Please call, or have your counsel call, should you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Timothy J. Coffey', with a stylized, cursive script.

Timothy J. Coffey

Enc.

cc: Jose Andreu

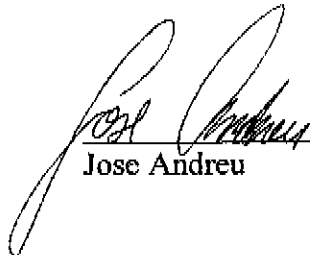
P000261

**AUTHORIZATION TO RELEASE DOCUMENTS PURSUANT TO  
THE ILLINOIS PERSONNEL RECORD REVIEW ACT (820 ILCS §§ 40/0.01 et seq.)**

TO: Bedford Motors *Service, Inc.*  
*ATTN: RADMILA GEORGE, Dir. of HR.*

I, Jose Andreu, hereby request, pursuant to the Illinois Personnel Record Review Act, 820 ILCS §§ 40/2 and 40/3, that Bedford Motors provide me with a complete copy of my personnel record and file including any and all documents that refer or relate to me that are maintained by it, or in the possession of any of its affiliates, officers, agents or employees, including, but not limited to, any and all documents related in any manner to the company's refusal to hire me in the position of driver in February 2006.

I ask that such documents and records be mailed directly to my attorneys c/o Timothy J. Coffey, The Coffey law Office, P.C., 1403 East Forest Ave., Wheaton, IL 60137. I agree to reimburse the company for the actual cost of duplicating and transmitting the documents and records as I have thereby requested and authorized. I appreciate your prompt attention to this matter.

  
\_\_\_\_\_  
Jose Andreu

# AUTHORIZATION FOR RELEASE OF HEALTH INFORMATION

Name: Jose AndreuDOB: 06/08/63 Or SSN: 359-80-1956

I authorize Reformed Motor Service, Inc. to release health information to:  
~~(the Coffee Law Office)~~ or their agent, TIMOTHY COFFEY, pursuant to 735 ILCS 5/8-2001 and 5/8-2003. I authorize the use or disclosure of the named individual's health information as described below for the purpose of consulting with my attorney.

## Information To Be Released:

☒ Entire medical record (to include ER records, admission and discharge summaries, dictated reports and consults, operative and procedure reports, intraoperative and procedure flow sheets, informed consents, physician orders, progress notes, nurses notes, flow sheets, medication and transfusion records, test results, labs, pictures, pathology reports, EKGs, fetal monitoring strips, office records, immunization records, growth charts, telemetry strips, radiology and other diagnostic reports, patient instructions).

- ☒ Any and all  
☐ Last 5 years  
☐ Other (specify) \_\_\_\_\_

☐ Record abstract (History and physical, progress notes, lab, radiology, operative report, pathology report, consultation report and diagnostic tests).

- ☐ Any and all  
☐ Last 5 years  
☐ Other (specify) \_\_\_\_\_

☐ Radiology and other diagnostic imaging films, pictures and/or CD rom (x-rays, CT scans, MRI, ultrasound, angiogram, diagnostic procedure, etc), unless otherwise specified.

- ☐ Any and all  
☐ Last 5 years  
☐ Other (specify) \_\_\_\_\_

☐ Pathology slides.  
Describe: \_\_\_\_\_

☒ All medical and related bills related to the above requested information.

I authorize the use or disclosure of the above named individual's health information as described below for the purpose of consulting with my attorney. The following items must be checked and initialed to be included in the use and/or disclosure of other health information:

- ☐ HIV/AIDS related treatment  
☐ Sexually transmitted diseases  
☐ Mental health  
☐ Drug/alcohol diagnosis, treatment/referral.

- I understand that I may revoke this authorization in writing at any time, provided that I do so in writing to \_\_\_\_\_, or its agent, except to the extent that the records have already been released. Unless revoked earlier, this authorization will expire 12 months from the date of signing or until (insert applicable date or event) \_\_\_\_\_.
- I understand authorizing the disclosure of health information is voluntary. I can refuse to sign this authorization. I understand that if the person or entity receiving the information is not a health care provider or health plan covered by federal HIPAA privacy regulations, the information described above may be redisclosed and no longer protected by these regulations. However, the recipient may be prohibited from disclosing substance abuse information under the Federal Substance Abuse Confidentiality Requirements.
- I acknowledge that I have received a copy of this authorization.

Signature of Patient or Patient's Legal Representative

Jose Andreu

Print Patient's Name

TIMOTHY J. COFFEY

Print Name of Legal Representative (if applicable)

Date

12/05/06ATTORNEY

Relationship to Patient

hp officejet d135  
printer/fax/scanner/copier

**Fax-History Report for**  
Timothy Coffey  
630-534-6400  
Dec 06 2006 4:45pm

---

**Last Transaction**

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Dec 6	4:43pm	Fax Sent	7396799	1:25	5	OK

---

hp officejet d135  
printer/fax/scanner/copier

**Fax History Report for**  
Timothy Coffey  
630-534-6400  
Apr 05 2007 11:11am

---

**Last Transaction**

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Apr 5	11:07am	Fax Sent	7396697	1:25	5	OK

---

P000265

150X071

7841054

SPECIMEN ID NO.

800 877 7484

**STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE**

LAB ACCESSION NO.

**A. Employer Name, Address, I.D. No.**

1. COMPANY OR TRADE NAME

4700 ROXNEITY RD

SCHILLER PARK IL 60176

PH: 708-783-0828

FAX: 708-783-2874

**B. MRO Name, Address, Phone and Fax No.**

JOHN EUGENE DE S

JAMES C DELIS RO

6500 N 55TH ST

CHICAGO IL 60638

PH: 708-496-1515-700

FAX: 708-496-0820

**C. Donor SSN or Employee I.D. No.**

359-30-1956

**D. Reason for Test:**☒ Pre-employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post-Accident☐ Return to Duty ☐ Follow-up ☐ Other (specify) \_\_\_\_\_**E. Drug Tests to be Performed:**☒ THC, COC, PCP, OPI, AMP ☐ THC & COC Only ☐ Other (specify) \_\_\_\_\_☒ 2643N NIDA 5 GRGS PANEL☐ 35364N NIDA 5 PANEL MARIJ**F. Collection Site Name:**

Collection Site Code:

Address:

Collector Phone No.:

City, State and Zip:

Collector Fax No.:

**STEP 2: COMPLETED BY COLLECTOR**Read specimen temperature within 4 minutes. Is temperature between 90° and 100° F? ☒ Yes ☐ No, Enter Remark

Specimen Collection:

☒ Split ☐ Single ☐ None Provided (Enter Remark) ☐ Observed (Enter Remark)**REMARKS****STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)****STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY**

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed, and released to the Delivery Service noted in accordance with applicable Federal requirements.

☒

Signature of Collector

Time of Collection

3:49 AM

Date (Mo./Day/Yr.)

02/20/06

**SPECIMEN BOTTLE(S) RELEASED TO:**☒ Quest Diagnostics Courier☐ FedEx☐ DHL / Airborne☐ Other

Name of Delivery Service Transferring Specimen to Lab

**RECEIVED AT LAB:**☒

Signature of Accessioner

(Print) Accessioner's Name (First, MI, Last)

Date (Mo./Day/Yr.)

**Primary Specimen Bottle Seal Intact**☐ Yes☐ No, Enter Remark Below**SPECIMEN BOTTLE(S) RELEASED TO:****STEP 5: COMPLETED BY DONOR**

I certify that I provided my urine specimen to the collector that I have not adulterated it in any manner; each specimen bottle used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to each specimen bottle is correct.

☒

Signature of Donor

(PRINT) Donor's Name (First, MI, Last)

Date (Mo./Day/Yr.)

Daytime Phone No.

(773) 671-2306

Evening Phone No.

(630) 254 5862

Date of Birth

06/08/63

Mo. Day Yr.

Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications for your own records. THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 5). - DO NOT PROVIDE THIS INFORMATION ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE COPY 5 WITH YOU.

**STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN**

In accordance with applicable Federal requirements, my determination/verification is:

☐ NEGATIVE☐ POSITIVE☐ TEST CANCELLED☐ REFUSAL TO TEST BECAUSE:☐ DILUTE☐ ADULTERATED☐ SUBSTITUTED**REMARKS**☒

Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First, MI, Last)

Date (Mo./Day/Yr.)

**STEP 7: COMPLETED BY MEDICAL REVIEW OFFICER - SECONDARY SPECIMEN**

In accordance with applicable Federal requirements, my determination/verification for the split specimen (if tested) is:

☐ RECONFIRMED☐ FAILED TO RECONFIRM - REASON:☒

Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First, MI, Last)

Date (Mo./Day/Yr.)

INSTRUCTIONS FOR COMPLETING DRUG TESTING CUSTODY AND CONTROL FORM

- A Collector ensures that the name and address of the drug testing laboratory appear on the top of the CCF and the Specimen I.D. number on the top of the CCF matches the specimen I.D. number on the labels/seals.
- B Collector provides the required information in STEP 1 on the CCF. The collector provides the remark in STEP 2 if the donor refuses to provide his/her SSN or Employee I.D. number.
- C Collector gives a collection container to the donor for providing a specimen.
- D After the donor gives the specimen to the collector, the collector checks the temperature of specimen within 4 minutes and marks the appropriate temperature box in STEP 2 on the CCF. The collector provides a remark if the temperature is outside the acceptable range.
- E Collector checks the split or single specimen collection box. If no specimen is collected, that box is checked and a remark is provided. If it is an observed collection, that box is checked and a remark is provided. If no specimen is collected, Copy 1 is discarded and the remaining copies are distributed as required.
- F Donor watches the collector pouring the specimen from the collection container into the specimen bottle(s), placing the cap(s) on the specimen bottle(s), and affixing the label(s)/seal(s) on the specimen bottle(s).
- G Collector dates the specimen bottle label(s) after they are placed on the specimen bottle(s).
- H Donor initials the specimen bottle label(s) after the label(s) have been placed on the specimen bottle(s).
- I Collector turns to COPY 2 (MRO Copy) and instructs the donor to read the certification statement in STEP 5 and to sign, print name, date, provide phone numbers and date of birth after reading the certification statement. If the donor refuses to sign the certification statement, the collector provides a remark in STEP 2 on Copy 1.
- J Collector completes STEP 4 (i.e. provides signature, printed name, date, time of collection, and name of delivery service), immediately places the sealed specimen bottle(s) and Copy 1 of the CCF in a leak-proof plastic bag, places the tracking label from the CCF on the specimen package, releases specimen package to the delivery service, and distributes the other copies as outlined in the standard operating procedure manual as required.

*Privacy Act Statement (For Federal Employees Only)*

Submission of the information on the attached form is voluntary. However, incomplete submission of the information, refusal to provide a urine specimen, or substitution or adulteration of a specimen may result in a delay or denial of your application for employment/appointment or may result in your removal from Federal service or other disciplinary action.

The authority for obtaining the urine specimen and identifying information contained herein is Executive Order 12564 ("Drug-Free" Federal Workplace), 5 U.S.C. § 3301 (2), 5 U.S.C. § 7301 and Section 503 of Public Law 100-71, 5 U.S.C. § 7301 note. Under provisions of Executive Order 12564 and U.S.C. 7301, test results may only be disclosed to agency officials on a need-to-know basis. This may include the agency Medical Review Officer, the administrator of the Employee Assistance Program, and a supervisor with authority to take adverse personnel action. This information may also be disclosed to a court where necessary to defend against a challenge to an adverse personnel action.

Submission of your SSN is not required by law and is voluntary. Your refusal to furnish your number will not result in the denial of any right, benefit, or privilege provided by law. Your SSN is solicited, pursuant to Executive Order 9397, for purposes of associating information in agency files relating to you and for purposes of identifying the specimen provided for urinalysis testing for illegal drugs. If you refuse to indicate your SSN, a substitute number or other identifier will be assigned as required, to process the specimen.

In the event laboratory analysis determines the presence of one or more illegal drugs in the specimen you provide, you will be contacted by an agency Medical Review Officer (MRO). The MRO will determine whether there is a legitimate medical explanation for the drug(s) identified by urinalysis.

*Paperwork Reduction Act Notice (as required by 5 CFR 1320.21)*

Public reporting burden for this collection of information, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated for each respondent to average 5 minutes/donor; 4 minutes/collector; 3 minutes/laboratory; and 3 minutes/Medical Review Officer. Employees may send comments regarding these burden estimates, or any other aspect of this collection of information, including suggestions for reducing the burden, to the SAMHSA Reports Clearance Officer, Paperwork Reduction Project (0930-0153), Room 16-106, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0158.

P 000267



MEDICAL EXAMINER'S NAME (PRINT) <b>J. EVANS</b>		<input checked="" type="checkbox"/> MD <input type="checkbox"/> CHIROPRACTOR <input type="checkbox"/> PHYSICIAN ASSISTANT <input type="checkbox"/> ADVANCED PRACTICE NURSE	<input type="checkbox"/> DO
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO. <b>36-108128</b>		ISSUING STATE <b>IL</b>	
DRIVER'S MEDICAL CERTIFICATE EXPIRATION DATE <b>02/20/2008</b>			
SIGNATURE OF DRIVER <i>[Signature]</i>	DRIVER'S LICENSE NO. <b>A666-4206-203</b>	STATE <b>IL</b>	
ADDRESS OF DRIVER <b>7831 W Roscher Chicago IL 60656</b>			

CONTINUED ON REVERSE SIDE

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P 000268

FMCSA Medical Examiner's Certificate

591.43

I certify that I have examined

Jose Andrew

DRIVER'S NAME - PRINT

in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.43) and with knowledge of the driving duties, I find this person is qualified; and, if applicable, only when:

- ☐ Wearing corrective lenses ☐ Wearing hearing aid  
☐ Driving within an exempt territory zone (49 CFR 391.62)  
☐ Accompanied by a Skill Performance Evaluation Certificate (SPE)  
☐ Accompanied by a \_\_\_\_\_ waiver / exemption  
☐ Qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment encloses my findings completely and correctly, and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER

TELEPHONE 708

DATE

[Signature]

783-2273 02/20/06

CONTINUED ON REVERSE SIDE

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P000269

**Plaintiff's Exhibit 7**

**Plaintiff's Documents Bates-Stamped P000350-375**



# Request for Information

**CONFIDENTIAL**

Date: March 8, 2007  
IBT no.: 3785-4844

#BWNKRD  
#XJLX 7J61 XNIX 1362#  
J AND J TREE SERVICES CO  
7831 W RASCHER AVE  
CHICAGO IL 60656-1648



Dear Taxpayer:

We have received information regarding your business. Additional information is needed to complete your registration. In order to quickly and accurately complete your registration, you must complete the enclosed Form REG-1, Illinois Business Registration Application, and return it to us within 10 days from the date of this notice. When your registration is complete, we will send you a certificate of registration legally authorizing you to conduct business in Illinois.

If you need forms, visit our web site at [tax.illinois.gov](http://tax.illinois.gov) which contains information and publications that may assist you with your business.

If you have any questions, visit our web site at [taxhelp.illinois.gov](http://taxhelp.illinois.gov) or call us weekdays between 8:30 a.m. and 5:00 p.m. at the telephone number listed below.

CENTRAL REGISTRATION DIVISION  
ILLINOIS DEPARTMENT OF REVENUE  
PO BOX 19030  
SPRINGFIELD IL 62794-9030

217 785-3707

Enclosures

P 000351

**CONFIDENTIAL****Internal Revenue Service**

DEPARTMENT OF THE TREASURY

The  
Digital  
Daily**Federal Tax ID / EIN**

This is your provisional Employer Identification Number:

**20-3798104**

Today's Date is: November 16, 2005 GMT

You will receive a confirmation letter in U.S. mail within fifteen days

The letter will also contain useful tax information for your business or organization.

If you have input any of the information on your application in error, please wait seven days and contact the EIN Toll Free area at 1-800-829-4933, Monday - Friday, 7:30am - 5:30pm. If you do not want to call, please make corrections on the letter you receive confirming your EIN and return it to the IRS.

If you are going to complete other on-line applications that require your Employer Identification Number(EIN) you can copy it by performing the following steps:

- 1) Use your mouse to highlight your EIN (blue number on top of page) by moving your pointer on top of the number.
- 2) Press the Ctrl key at the same time pressing the C key.

Once you copy your EIN you can paste it in the appropriate place by pressing the Ctrl key at the same time pressing the V key.

You may click on the buttons below for different print options or to fill out another Form SS-4.

[Review and Print Form SS-4](#)[Fill Out Another Form SS-4](#)

Click [here](#) to return to the Internet Employer Identification Number landing (start) page.

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# CERTIFICATE OF OWNERSHIP

STATE OF ILLINOIS) ) SS  
COUNTY OF DU PAGE)

CERTIFICATE NO. 57243  
FILED: JUNE 16, 2005  
PUBLISHED: JULY 8, 2005

I, Gary A. King, County Clerk in and for the County and State aforesaid, DO HEREBY  
CERTIFY that

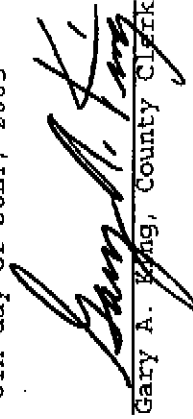
JOSE ANDREU  
JORGE ANDREU

J&J TREE SERVICES  
2607 MAPLE AVENUE  
DOWNERS GROVE, IL 60515-0000

has completed all requirements as specified in Chapter 805, ACT 405 of the Illinois  
Compiled Statutes, "An Act in Relation to the Use of An Assumed Name in the Conduct or  
Transaction of Business in the State of Illinois."



All of which appears from the records now in my office remaining  
Given under my Hand and Official Seal at  
Wheaton, Illinois, this 8TH day of JULY, 2005

  
Gary A. King, County Clerk

CONFIDENTIAL

PLEASE READ THE INSTRUCTIONS BEFORE COMPLETING THIS FORM  
 (USE BLACK INK)

**CONFIDENTIAL**

J & J TREE SERVICE CO.  
 % JOSE ANDREU  
 7831 W RACHER  
 CHICAGO IL 60656

11/15/2005  
 Cook County

1.4. Verify information is accurate.

5. MUST list names and addresses of all officers and directors as of the date of signing. If you are the sole officer, please indicate. If more space is needed, enclose attachment with corporate file number on the attachment.

6. Changes to the authorized shares must be completed on form BCA 10.30 for Illinois Corporations. Foreign Corporations must file certified copies of amendment from state of incorporation. If any changes have been made to the issued shares, a BCA form 14.30 must be completed and filed.

7. Verify Registered Agent on file is true and accurate. It will be necessary to file in this office form BCA 5.10 in order to make any changes in the Registered Agent's name and/or address. BCA 5.10 along with your \$25 fee should be submitted **TOGETHER** with the Annual Report.

FILE # D 6456-678-4

7a. Insert the principal address of Corporation

7b. This document **MUST** be signed by an authorized Officer.

**Reverse Side**

8. If item 8 is incorrect or blank, please enter the correct information here and in item 8.

FEIN: \_\_\_\_\_

9. Complete preparer information as requested.

10. Affirm female or minority status. You must complete annually by selecting appropriate box. TO QUALIFY, 51% OWNERSHIP IS REQUIRED.

☐ Check this box if there are any changes in President or Secretary in #5 and **MAIL IN THIS PORTION WITH THE ANNUAL REPORT.**  
 Your current President and Secretary are:

President: "I" JOSE ANDREU 7831 W RACHER CHICAGO IL 60656  
 Secretary:

**DETACH AT PERFORATION AND SUBMIT WITH PAYMENT. DO NOT SUBMIT PHOTOCOPY FOR FILING**

017471

1) Corporate Name <b>J &amp; J TREE SERVICE CO.</b>		2) File Number <b>D 6456-678-4</b>	3) State / Country <b>Illinois</b>	4) Inc / Qual Date <b>11/15/2005</b>
5) President Name & Address <b>JOSE ANDREU 7831 W RACHER CHICAGO IL 60656</b>				
Secretary Name & Address <b>JOSE ANDREU 7831 W RACHER CHICAGO IL 60656</b>				
Officer / Director Name & Address				
Officer / Director Name & Address				
Officer / Director Name & Address				
6) Share Information				
Class	Series	Par Value	Number Authorized	Number Issued as of <b>08/31/2006</b>
<b>COMMON</b>		<b>.00000</b>	<b>100</b>	<b>100.000</b>
7) Registered Agent				
YEAR <b>2006</b> <b>JOSE ANDREU</b> <b>7831 W RACHER</b> <b>CHICAGO IL 60656</b> <b>Cook County</b>		7a) Principal Address of Corporation: <b>7831 W RACHER CHICAGO IL 60656</b> Street City State Zip Cook 7b) Under the penalty of perjury and as an authorized officer, I declare that this annual report, pursuant to the provisions of the Business Corporation Act, has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. <b>X</b> <i>[Signature]</i> <b>President 01/15/07</b> Signature Title Date		

**P000354**



STATE OF ILLINOIS  
CORPORATE ANNUAL REPORT

(Form CDBCAB - Rev. 09/09/2004)

PLEASE READ THE INSTRUCTIONS BEFORE COMPLETING THIS FORM

**CONFIDENTIAL**

11. Enter Paid-in Capital as of the date listed (Paid-in Capital reflects the sum of the stated Capital and Paid-in surplus accounts)

11a. If box 11 and 11a are different, you **MUST** file a **BCA 14.30**.

12. The State of Illinois requires all For Profit Corporations to pay a franchise tax. You must choose the method in which you will calculate your franchise tax from the 3 options listed below. You **MUST fill in your choice in box 12**.

A. All Property of the corporation is in Illinois and ALL business of the corporation is transacted at or from places of business in Illinois. Skip boxes 12a through 12d and Enter **1.000000** in box 12e.

B. The corporation **ELECTS** to pay franchise tax on the basis of 100% of its total paid-in capital. Skip boxes 12a through 12d and Enter **1.000000** in box 12e.

C. The corporation has assets and / or transacts business outside of the State of Illinois, boxes 12a through 12d **MUST** be completed.

"Property" means gross assets, including all real, personal, tangible and intangible property, without qualification. "Business" means gross receipts, from whatever source derived.

Note: The figures used in (12a) through (12d) will be given as of the close of the corporation's fiscal year on or immediately preceding the date printed in item 11. Enter date in item 12 FYE.

12a) Enter the value of the property owned by the corporation, wherever located: **GROSS ASSETS**.

12b) Enter the value of the property owned by the corporation, located in Illinois: **ILLINOIS GROSS ASSETS**.

12c) Enter the gross amount of business transacted by the corporation everywhere.

12d) Enter the gross amount of business transacted by the corporation at or from places of business in the State of Illinois

12e) Divide (12b + 12d) by (12a + 12c). This figure **MUST BE 6 decimal places and ENTERED** into box 12e.

12f) Multiply box 11 by box 12e. If the annual report is late, multiply the greater of box 11 or 11a by box 12e.

12g) Multiply box 12f by 0.001. If this figure is less than \$25.00 enter \$25.00. If greater than \$2,000,000.00 enter \$2,000,000.00.

13. If submitting after due, complete worksheet below

**Late annual report**

Multiply box 12g by 0.10

**Late Franchise Tax**

Multiply box 12g by .01 by number of months late (**minimum \$1.00**).

Enter total in box 13

**TOTAL**

14) \$75.00 filing fee.

15) Total due: add boxes 12g + 14 (MINIMUM \$100.00).

16) Make check payable to Secretary of State. Please detach check stub

**CHECKLIST**

Boxes 5 and 11 have been completed. ☐

Box 12 has been completed and choice for Franchise tax was given. ☐

Box 12e has been completed. ☐

Box 12g is not less than \$25.00. ☐

Box 15 is not less than \$100.00. ☐

Box 7b is signed by an officer. ☐

Place File number on check. Do not staple or paper clip check to annual report. ☐

If submitting a form **BCA 14.30**, your previous allocation factor is **1.000000**

Additional forms are located at [www.ilsos.net](http://www.ilsos.net) or can be requested by telephone at (217) 782-6961. For questions regarding this form please call 217-782-7808.


File # <b>D 6456-678-4</b>	8) FEIN <b>20-3798104</b>	11) Current Paid-in Capital <b>08/31/2006 100.</b>	11a) <b>100</b>
9) Prepared by		12) <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> Use decimals in 12a-d, f & g also in 13 and 15	12) FYE (See Note)
Address		12a) Total Gross Assets \$	<b>Franchise Tax &amp; Fees</b>
Phone #		12b) Gross Assets in Illinois \$	
E-mail Address		12c) Total Gross Business \$	
10) <input type="checkbox"/> Female <input type="checkbox"/> Minority <input type="checkbox"/> Both		12d) Total Business in Illinois \$	13) Penalty / Interest <b>3.75</b>
Annual Report Year <b>2006 11/01/2006</b>		12e) Allocation Factor <b>100.000</b>	14) Filing fee <b>\$75.00</b>
		12f) Illinois Capital \$	15) Total Due (Minimum of \$100.00) <b>103.75</b>

Jesse White Secretary of State  
Department of Business Services  
501 S 2nd Street  
Springfield IL 62756-5510

**P 000355**

64566784111506000000001009

CONFIDENTIAL

<b>J &amp; J TREE SERVICE CO</b>		11-05	190
7831 W RACHER CHICAGO, IL 60656			
PAY TO THE ORDER OF		DATE	01/15/07
SECRETARY OF STATE			2-50/718
ONE HUNDRED THREE AND 75/100 XXXXXXXXXXXXXXXXXXXXXXXX			\$ 103.75
 <b>LaSalle Bank</b> ASB AMRO		DOLLARS	
LaSalle Bank N.A. Chicago, IL 60601   lasallebank.com			
FOR D 6456-678-4 ( 2006 )		<i>[Signature]</i>	
⑈000190⑈ ⑆071000505⑆ 520444386⑈		MP	

000356



## OFFICE OF THE SECRETARY OF STATE

SPRINGFIELD, ILLINOIS 62756

December 8, 2006

JESSE WHITE  
SECRETARY OF STATE

## Notice of Delinquency

**CONFIDENTIAL**J & J TREE SERVICE CO.  
% JOSE ANDREU (11-15-2005)  
7831 W RACHER  
CHICAGO IL 60656

You are hereby given notice of the facts relating to the filing of the annual report and the payment of franchise tax, penalties, and interest relating to the above corporation pursuant to section 12.40 of the Business Corporation Act of Illinois in force July 1, A.D. 1984. That the amount of franchise taxes, penalties, and interest due and not paid for this year are:

Franchise Tax	\$	25.00
Annual Report Filing Fee	\$	75.00

## Penalties &amp; Interest:

10% Late Filing Plus 1% Per Month (minimum \$1.00).

The following fee stated is computed at the maximum

of 5 months delinquency and 100% Paid In Capital. \$ 3.75

Amount of Fees Due	\$	103.75
--------------------	----	--------

That the aforesaid corporation has not filed an annual report prior to the first day of November, 2006.

That the annual report must be executed (both sides) and submitted with the 14.30 form, if it is applicable.  
These forms are available on our website at [www.ilsos.net](http://www.ilsos.net).

That unless the corporation complies with the above requirements within 90 days of the date of this notice, the corporation is subject to involuntary dissolution.

Secretary of State  
State of Illinois  
Business Services Department  
(217) 782-7808**P 000357**

004638

CONFIDENTIAL



630-271-6414  
969-8100

Dear Customer:

If your application for business credit is denied, you have the right to a written statement of the specific reasons for the denial. To obtain the statement, please contact LaSalle Bank N.A., Business Banking Loan Center, 3201 N. Ashland Avenue, Chicago, IL 60657, or call 773-244-7447 within 60 days from the date you are notified of our decision. We will send you a written statement of reasons for the denial within 30 days of receiving your request for the statement.

LaSalle Bank N.A.  
Business Banking Loan Center  
3201 N. Ashland Avenue  
Chicago, IL 60657  
773-244-7447

NOTICE: The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is: the Office of the Comptroller of the Currency, Customer Assistance Group, 1301 McKinney Street, Suite 3450, Houston, Texas 77010-9050.

P 000358

Department of the Treasury  
Internal Revenue Service

Case 1:07-cv-06132

Document 23

Filed 01/07/2008

Page 61 of 100

2006

## A Check if:

- 1 Consolidated return (attach Form 851) . . .
- 2 Personal holding co. (attach Sch. P-1) . . .
- 3 Personal service corp. (see instructions) . . . ☒ X
- 4 Schedule M-3 required (attach Sch. M-3) . . .

Use  
IRS  
label.  
Other-  
wise,  
print or  
type.

Name

J &amp; J TREE SERVICES CO

Number, street, and room or suite no. If a P.O. box, see instructions.

7831 W RACHER

City or town, state, and ZIP code

CHICAGO

IL 60656

B Employer identification number

20-3798104

C Date incorporated

11-15-2005

D Total assets (see instructions)

\$ 81,707

## E Check if:

(1) Initial return (2) Final return (3) Name change (4) Address change

## Income

1a	Gross receipts or sales	123,882	b Less returns and allowances		c Bal	1c	123,882
2	Cost of goods sold (Schedule A, line 8)					2	0
3	Gross profit. Subtract line 2 from line 1c					3	123,882
4	Dividends (Schedule C, line 19)					4	
5	Interest					5	
6	Gross rents					6	
7	Gross royalties					7	
8	Capital gain net income (attach Schedule D (Form 1120))					8	
9	Net gain or (loss) from Form 4797, Part II, line 17 (attach Form 4797)					9	
10	Other income (see instructions - attach schedule)					10	
11	Total income. Add lines 3 through 10					11	123,882

## Deductions

(See

instruc-

tions

for

limita-

tions

on

deduc-

tions.)

12	Compensation of officers (Schedule E, line 4)					12	
13	Salaries and wages (less employment credits)					13	
14	Repairs and maintenance					14	
15	Bad debts					15	
16	Rents					16	
17	Taxes and licenses					17	
18	Interest					18	2,800
19	Charitable contributions					19	
20	Depreciation from Form 4562 not claimed on Schedule A or elsewhere on return (attach Form 4562)					20	7,633
21	Depletion					21	
22	Advertising					22	236
23	Pension, profit-sharing, etc., plans					23	
24	Employee benefit programs					24	
25	Domestic production activities deduction (attach Form 8903)					25	
26	Other deductions (attach schedule)				Statement # 5	26	111,573
27	Total deductions. Add lines 12 through 26					27	122,242
28	Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11					28	1,640
29	Less: a Net operating loss deduction (see instructions)	29a				29c	
	b Special deductions (Schedule C, line 20)	29b					

## Tax

and

Pay-

ments

30	Taxable income. Subtract line 29c from line 28 (see instructions)					30	1,640
31	Total tax (Schedule J, line 10)					31	574
32a	2005 overpayment credited to 2006	32a					
b	2006 estimated tax payments	32b					
c	2006 refund applied for on Form 4466	32c			d bal	32d	
e	Tax deposited with Form 7004					32e	
f	Credits: (1) Form 2439 (2) Form 4136					32f	
g	Credit for federal telephone excise tax paid (attach Form 8913)					32g	
33	Estimated tax penalty (see instructions). Check if Form 2220 is attached					33	
34	Amount owed. If line 32h is smaller than the total of lines 31 and 33, enter amount owed					34	574
35	Overpayment. If line 32h is larger than the total of lines 31 and 33, enter amount overpaid					35	
36	Enter amount from line 35 you want credited to 2007 estimated tax				Refunded	36	

Sign  
Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer

Date

Title

May the IRS discuss this return  
with the preparer shown below  
(see instructions)? Yes ☒ X NoPaid  
Preparer's  
Use OnlyPreparer's  
signature

Date

01-21-2007

Check if  
self employed

Preparer's SSN or PTIN

Firm's name (or  
yours if self-employed),  
address, and ZIP code

NIGO CORPORATION

134 E BRIARCLIFF RD

BOLINGBROOK IL 60440

Phone no. (630) 972-1344

CONFIDENTIAL

**Schedule A Cost of Goods Sold** (see instructions)

1	Inventory at beginning of year	1	
2	Purchases	2	
3	Cost of labor	3	
4	Additional section 263A costs (attach schedule)	4	
5	Other costs (attach schedule)	5	
6	Total. Add lines 1 through 5	6	
7	Inventory at end of year	7	
8	Cost of goods sold. Subtract line 7 from line 6. Enter here and on page 1, line 2	8	0

9a Check all methods used for valuing closing inventory:

(i) Cost

(ii) Lower of cost or market

(iii) Other (Specify method used and attach explanation.)

b Check if there was a writedown of subnormal goods

c Check if the LIFO inventory method was adopted this tax year for any goods (if checked, attach Form 970)

d If the LIFO inventory method was used for this tax year, enter percentage (or amounts) of closing inventory computed under LIFO

9d

e If property is produced or acquired for resale, do the rules of section 263A apply to the corporation? Yes No

f Was there any change in determining quantities, cost, or valuations between opening and closing inventory? If "Yes," attach explanation Yes No

**Schedule C Dividends and Special Deductions** (see instructions)

	(a) Dividends received	(b) %	(c) Special deductions (a) x (b)
1	Dividends from less-than-20%-owned domestic corporations (other than debt-financed stock)	70	
2	Dividends from 20%-or-more-owned domestic corporations (other than debt-financed stock)	80	
3	Dividends on debt-financed stock of domestic and foreign corporations	see instructions	
4	Dividends on certain preferred stock of less-than-20%-owned public utilities	42	
5	Dividends on certain preferred stock of 20%-or-more-owned public utilities	48	
6	Dividends from less-than-20%-owned foreign corporations and certain FSCs	70	
7	Dividends from 20%-or-more-owned foreign corporations and certain FSCs	80	
8	Dividends from wholly owned foreign subsidiaries	100	
9	Total. Add lines 1 through 8. See instructions for limitation		
10	Dividends from domestic corporations received by a small business investment company operating under the Small Business Investment Act of 1958	100	
11	Dividends from affiliated group members	100	
12	Dividends from certain FSCs	100	
13	Dividends from foreign corporations not included on lines 3, 6, 7, 8, 11, or 12		
14	Income from controlled foreign corporations under subpart F (attach Form(s) 5471)		
15	Foreign dividend gross-up		
16	IC-DISC and former DISC dividends not included on lines 1, 2, or 3		
17	Other dividends		
18	Deduction for dividends paid on certain preferred stock of public utilities		
19	Total dividends. Add lines 1 through 17. Enter here and on page 1, line 4		
20	Total special deductions. Add lines 9, 10, 11, 12, and 18. Enter here and on page 1, line 29b		

**Schedule E Compensation of Officers** (see instructions for page 1, line 12)

Note: Complete Schedule E only if total receipts (line 1a plus lines 4 through 10 on page 1) are \$500,000 or more.

(a) Name of officer	(b) Social security number	(c) Percent of time devoted to business	Percent of corporation stock owned		(f) Amount of compensation
			(d) Common	(e) Preferred	
1		%	%	%	
		%	%	%	
		%	%	%	
		%	%	%	
		%	%	%	
2	Total compensation of officers				
3	Compensation of officers claimed on Schedule A and elsewhere on return				
4	Subtract line 3 from line 2. Enter the result here and on page 1, line 12				

P 000360

Schedule J Tax Computation (see instructions)			
1	Check if the corporation is a member of a controlled group (attach Schedule O (Form 1120))		
2	Income tax. Check if a qualified personal service corporation (see instructions)	X	574
3	Alternative minimum tax (attach Form 4626)		
4	Add lines 2 and 3		574
5a	Foreign tax credit (attach Form 1118)	5a	
b	Qualified electric vehicle credit (attach Form 8834)	5b	
c	General business credit. Check applicable box(es): Form 3800 Form 6478 Form 8835, Section B Form 8844	5c	
d	Credit for prior year minimum tax (attach Form 8827)	5d	
e	Bond credits from: Form 8860 Form 8912	5e	
6	Total credits. Add lines 5a through 5e	6	
7	Subtract line 6 from line 4	7	574
8	Personal holding company tax (attach Schedule PH (Form 1120))	8	
9	Other taxes. Check if from: Form 4255 Form 8611 Form 8697 Form 8866 Form 8902 Other (attach schedule)	9	
10	Total tax. Add lines 7 through 9. Enter here and on page 1, line 31	10	574

Schedule K Other Information (see instructions)			
1	Check accounting method: a <input checked="" type="checkbox"/> Cash b <input type="checkbox"/> Accrual c <input type="checkbox"/> Other (specify) <u>          </u>	Yes	No
2	See the instructions and enter the: a Business activity code no. <u>561730</u> b Business activity <u>SERVICES</u> c Product or service <u>LANDSCAPING</u>		
3	At the end of the tax year, did the corporation own, directly or indirectly, 50% or more of the voting stock of a domestic corporation? (For rules of attribution, see section 267(c).)  If "Yes," attach a schedule showing: (a) name and employer identification number (EIN), (b) percentage owned, and (c) taxable income or (loss) before NOL and special deductions of such corporation for the tax year ending with or within your tax year.	X	
4	Is the corporation a subsidiary in an affiliated group or a parent-subsidiary controlled group?  If "Yes," enter name and EIN of the parent corporation <u>          </u>	X	
5	At the end of the tax year, did any individual, partnership, corporation, estate, or trust own, directly or indirectly, 50% or more of the corporation's voting stock? (For rules of attribution, see section 267(c).)  If "Yes," attach a schedule showing name and identifying number. (Do not include any information already entered in 4 above.) Enter percentage owned <u>0</u>	X	
6	During this tax year, did the corporation pay dividends (other than stock dividends and distributions in exchange for stock) in excess of the corporation's current and accumulated earnings and profits? (See sections 301 and 316.)  If "Yes," file Form 5452, Corporate Report of Nondividend Distributions.  If this is a consolidated return, answer here for the parent corporation and on Form 851, Affiliations Schedule, for each subsidiary.		
7	At any time during the tax year, did one foreign person own, directly or indirectly, at least 25% of (a) the total voting power of all classes of stock of the corporation entitled to vote or (b) the total value of all classes of stock of the corporation?  If "Yes," enter: (a) Percentage owned <u>100</u> and (b) Owner's country <u>CO</u>  c The corporation may have to file Form 5472, Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business. Enter number of Forms 5472 attached <u>          </u>		X
8	Check this box if the corporation issued publicly offered debt instruments with original issue discount  If checked, the corporation may have to file Form 8281, Information Return for Publicly Offered Original Issue Discount Instruments.		
9	Enter the amount of tax-exempt interest received or accrued during the tax year <u>\$</u>		
10	Enter the number of shareholders at the end of the tax year (if 100 or fewer) <u>2</u>		
11	If the corporation has an NOL for the tax year and is electing to forego the carryback period, check here  If the corporation is filing a consolidated return, the statement required by Temporary Regulations section 1.1502-21T(b)(3) must be attached or the election will not be valid.		
12	Enter the available NOL carryover from prior tax years (Do not reduce it by any deduction on line 29a.) <u>\$</u>		
13	Are the corporation's total receipts (line 1a plus lines 4 through 10 on page 1) for the tax year and its total assets at the end of the tax year less than \$250,000?  If "Yes," the corporation is not required to complete Schedules L, M-1, and M-2 on page 4. Instead, enter the total amount of cash distributions and the book value of property distributions (other than cash) made during the tax year. <u>\$</u>		X

Note: If the corporation, at any time during the tax year, had assets or operated a business in a foreign country or U.S. possession, it may be required to attach Schedule N (Form 1120), Foreign Operations of U.S. Corporations, to this return. See Schedule N for details.



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Schedule L Balance Sheets per Books		Beginning of tax year		End of tax year	
Assets		(a)	(b)	(c)	(d)
1	Cash		105		14288
2a	Trade notes and accounts receivable				
b	Less allowance for bad debts	( )		( )	
3	Inventories				
4	U.S. government obligations				
5	Tax-exempt securities (see instructions)				
6	Other current assets (attach schedule)				
7	Loans to shareholders				
8	Mortgage and real estate loans				
9	Other investments (attach schedule)				
10a	Buildings and other depreciable assets	33500.		75500.	
b	Less accumulated depreciation	( 448. )	33052.	( 8081. )	67419.
11a	Depletable assets				
b	Less accumulated depletion	( )		( )	
12	Land (net of any amortization)				
13a	Intangible assets (amortizable only)				
b	Less accumulated amortization	( )		( )	
14	Other assets (attach schedule)				
16	Total assets		33157.		81707.
<b>Liabilities and Shareholders' Equity</b>					
16	Accounts payable				5076.
17	Mortgages, notes, bonds payable in less than 1 year				
18	Other current liabilities (attach schedule)		9198.		14606.
19	Loans from shareholders		30000.		67000.
20	Mortgages, notes, bonds payable in 1 year or more				
21	Other liabilities (attach schedule)				
22	Capital stock: a Preferred stock				
b	Common stock	100.	100.	100.	100.
23	Additional paid-in capital				
24	Retained earnings-Appropriated (attach schedule)				
25	Retained earnings-Unappropriated		-6141.		-5075.
26	Adjustments to shareholder's equity (attach schedule)				
27	Less cost of treasury stock	( )		( )	
28	Total liabilities and shareholders' equity		33157		81707.

**Schedule M-1 Reconciliation of Income (Loss) per Books With Income per Return**

Note: Schedule M-3 required instead of Schedule M-1 if total assets are \$10 million or more-see instructions

1	Net income (loss) per books	1066.	7	Income recorded on books this year not included on this return (itemize):	
2	Federal income tax per books	574.		Tax-exempt interest \$	
3	Excess of capital losses over capital gains				
4	Income subject to tax not recorded on books this year (itemize):				
5	Expenses recorded on books this year not deducted on this return (itemize):		8	Deductions on this return not charged against book income this year (itemize):	
a	Depreciation	\$	a	Depreciation	\$
b	Charitable contributions	\$	b	Charitable contributions	\$
c	Travel and entertainment	\$			
6	Add lines 1 through 5	1640.	9	Add lines 7 and 8	
			10	Income (page 1, line 28)-line 6 less line 9	1640.

**Schedule M-2 Analysis of Unappropriated Retained Earnings per Books (Line 25, Schedule L)**

1	Balance at beginning of year	-6141.	5	Distributions: a Cash	
2	Net income (loss) per books	1066.	b	Stock	
3	Other increases (itemize):		c	Property	
			6	Other decreases (itemize):	
4	Add lines 1, 2, and 3	5075.	7	Add lines 5 and 6	
			8	Balance at end of year (line 4 less line 7)	- 5075.

P 000362



## Depreciation and Amortization

OMB No. 1545-0172

## (Including Information on Listed Property)

2006

Attachment  
Sequence No. 67Department of the Treasury  
Internal Revenue Service

▶ See separate instructions.

▶ Attach to your tax return.

Name(s) shown on return

Business or activity to which this form relates

Identifying number

J &amp; J TREE SERVICES CO

FORM 1120

20-3798104

**Part I Election To Expense Certain Property Under Section 179**

Note: If you have any listed property, complete Part V before you complete Part I.

1	Maximum amount. See the instructions for a higher limit for certain businesses	1
2	Total cost of section 179 property placed in service (see instructions)	2
3	Threshold cost of section 179 property before reduction in limitation	3
4	Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-	4
5	Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions	5
6	(a) Description of property	(b) Cost (business use only)
7	Listed property. Enter the amount from line 29	7
8	Total elected cost of section 179 property. Add amounts in column (c), lines 6 and 7	8
9	Tentative deduction. Enter the smaller of line 5 or line 8	9
10	Carryover of disallowed deduction from line 13 of your 2005 Form 4562	10
11	Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instructions)	11
12	Section 179 expense deduction. Add lines 9 and 10, but do not enter more than line 11	12
13	Carryover of disallowed deduction to 2007. Add lines 9 and 10, less line 12	13

Note: Do not use Part II or Part III below for listed property. Instead, use Part V.

**Part II Special Depreciation Allowance and Other Depreciation (Do not include listed property.) (See instructions.)**

14	Special allowance for qualified New York Liberty or Gulf Opportunity Zone property (other than listed property) placed in service during the tax year (see instructions)	14
15	Property subject to section 168(f)(1) election	15
16	Other depreciation (including ACRS)	16

**Part III MACRS Depreciation (Do not include listed property.) (See instructions.)****Section A**

17	MACRS deductions for assets placed in service in tax years beginning before 2006	17
18	If you are electing to group any assets placed in service during the tax year into one or more general asset accounts, check here	

**Section B - Assets Placed in Service During 2006 Tax Year Using the General Depreciation System**

(a) Classification of property	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only-see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deduction
19a 3-year property						
b 5-year property						
c 7-year property						
d 10-year property						
e 15-year property						
f 20-year property						
g 25-year property			25 yrs.		S/L	
h Residential rental property			27.5 yrs.	MM	S/L	
i Nonresidential real property			27.5 yrs.	MM	S/L	
			39 yrs.	MM	S/L	
				MM	S/L	

**Section C - Assets Placed in Service During 2006 Tax Year Using the Alternative Depreciation System**

20a Class life					S/L	
b 12-year			12 yrs.		S/L	
c 40-year			40 yrs.	MM	S/L	

**Part IV Summary (see instructions)**

21	Listed property. Enter amount from line 28	21	7,633
22	Total. Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations - see instr.	22	7,633
23	For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs	23	

For Paperwork Reduction Act Notice, see separate instructions.

EFA

Form 4562 (2006)

P 000363

**Part V Listed Property** (Include automobiles, certain other vehicles, cellular telephones, certain computers, and property used for entertainment, recreation, or amusement.)

**Note:** For any vehicle for which you are using the standard mileage rate or deducting lease expense, complete only 24a, 24b, columns (a) through (c) of Section A, all of Section B, and Section C if applicable.

**Section A - Depreciation and Other Information (Caution: See the instructions for limits for passenger automobiles.)**

24a Do you have evidence to support the business/investment use claimed?		X Yes No		24b If "Yes," is the evidence written?		X Yes No		
(a) Type of property (list vehicles first)	(b) Date placed in service	(c) Business/investment use percentage	(d) Cost or other basis	(e) Basis for depreciation (business/investment use only)	(f) Recovery period	(g) Method/Convention	(h) Depreciation deduction	(i) Elected section 179 cost
25 Special allowance for qualified New York Liberty or Gulf Opportunity Zone property placed in service during the tax year and used more than 50% in a qualified business use (see instructions)							25	
26 Property used more than 50% in a qualified business use:								
TRAILER	20051120	100 %	1,500	1,450	5	S/L-MM	300	
TRUCK92-GM	20051201	100 %	10,000	9,667	5	S/L-MM	2,000	
TRUCK	20051220	100 %	22,000	21,935	10	S/L-MM	2,200	
27 Property used 50% or less in a qualified business use:								
STUMPGRIND	20060215	100 %	20,000	20,000	10	S/L- MQ	1,667	
WOODSHIPPE	20060418	100 %	22,000	22,000	10	S/L- MQ	1,466	
		%				S/L-		
28 Add amounts in column (h), lines 25 through 27. Enter here and on line 21, page 1							28	7,633
29 Add amounts in column (i), line 26. Enter here and on line 7, page 1							29	

**Section B - Information on Use of Vehicles**

Complete this section for vehicles used by a sole proprietor, partner, or other "more than 5% owner," or related person.

If you provided vehicles to your employees, first answer the questions in Section C to see if you meet an exception to completing this section for those vehicles.

	(a) Vehicle 1		(b) Vehicle 2		(c) Vehicle 3		(d) Vehicle 4		(e) Vehicle 5		(f) Vehicle 6	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
30 Total business/investment miles driven during the year (do not include commuting miles)												
31 Total commuting miles driven during the year												
32 Total other personal (noncommuting) miles driven												
33 Total miles driven during the year. Add lines 30 through 32												
34 Was the vehicle available for personal use during off-duty hours?												
35 Was the vehicle used primarily by a more than 5% owner or related person?												
36 Is another vehicle available for personal use?												

**Section C - Questions for Employers Who Provide Vehicles for Use by Their Employees**

Answer these questions to determine if you meet an exception to completing Section B for vehicles used by employees who are not more than 5% owners or related persons (see instructions).

	Yes	No
37 Do you maintain a written policy statement that prohibits all personal use of vehicles, including commuting, by your employees?		
38 Do you maintain a written policy statement that prohibits personal use of vehicles, except commuting, by your employees? See the instructions for vehicles used by corporate officers, directors, or 1% or more owners		
39 Do you treat all use of vehicles by employees as personal use?		
40 Do you provide more than five vehicles to your employees, obtain information from your employees about the use of the vehicles, and retain the information received?		
41 Do you meet the requirements concerning qualified automobile demonstration use? (See instructions.)		

**Note:** If your answer to 37, 38, 39, 40, or 41 is "Yes," do not complete Section B for the covered vehicles.

**Part VI Amortization**

(a) Description of costs	(b) Date amortization begins	(c) Amortizable amount	(d) Code section	(e) Amortization period or percentage	(f) Amortization for this year
42 Amortization of costs that begins during your 2006 tax year (see instructions):					
43 Amortization of costs that began before your 2006 tax year					43
44 Total. Add amounts in column (f). See the instructions for where to report					44

## Federal Supporting Statements

2006 PG01

Name(s) as shown on return

FEIN

J &amp; J TREE SERVICES CO

20-3798104

FORM 1120 PAGE 1

Statement # 5

DESCRIPTION	AMOUNT
Accounting cost	525
Automobile and truck expenses	8,581
Equipment rent	1,585
Insurance	4,299
Laundry and cleaning	210
Meals and entertainment 50% limit	642
Office expense	416
Outside services and independant contractors	42,000
Parking fees and tolls	491
Telephone	2,590
Tools	1,028
Uniforms	743
MATERIALS & SUPPLIES	48,294
WASTE MANAGEMENT	169
<b>TOTAL</b>	<b>111,573</b>

Department of the Treasury  
Internal Revenue ServiceCase 1:07-cv-06132 Document 23 Filed 07/07/2008 Page 84 of 100  
For calendar year 2005 or tax year beginning 2005 ending 2005  
See separate instructions.

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2005

## A Check if:

- 1 Consolidated return (attach Form 851) . . .  
 2 Personal holding co. (attach Sch. PH) . . .  
 3 Personal service corp. (see instructions) . . .  
 4 Schedule M-3 required (attach Sch. M-3) . . .

Use IRS label. Otherwise, print or type.

Name

J &amp; J TREE SERVICES CO

Number, street, and room or suite no. If a P.O. box, see instructions.

7831 W RACHER

City or town, state, and ZIP code

Chicago

IL 60656

B Employer identification number

20-3798104

C Date incorporated

11-15-2005

D Total assets (see instructions)

\$ 33,157

## E Check if:

- (1) ☒ Initial return (2) ☐ Final return (3) ☐ Name change (4) ☐ Address change

## Income

1a	Gross receipts or sales	12,225	b Less returns and allowances		c Bal	1c	12,225
2	Cost of goods sold (Schedule A, line 8)					2	0
3	Gross profit. Subtract line 2 from line 1c					3	12,225
4	Dividends (Schedule C, line 19)					4	
5	Interest					5	
6	Gross rents					6	
7	Gross royalties					7	
8	Capital gain net income (attach Schedule D (Form 1120))					8	
9	Net gain or (loss) from Form 4797, Part II, line 17 (attach Form 4797)					9	
10	Other income (see instructions - attach schedule)					10	
11	Total income. Add lines 3 through 10					11	12,225

Deductions  
(See instructions for limitations on deductions.)

12	Compensation of officers (Schedule E, line 4)					12	
13	Salaries and wages (less employment credits)					13	
14	Repairs and maintenance					14	
15	Bad debts					15	
16	Rents					16	
17	Taxes and licenses					17	
18	Interest					18	
19	Charitable contributions (see instructions for 10% limitation)					19	
20a	Depreciation (attach Form 4562)		20a	448			
b	Less depreciation claimed on Schedule A and elsewhere on return		20b			20c	448
21	Depletion					21	
22	Advertising					22	125
23	Pension, profit-sharing, etc., plans					23	
24	Employee benefit programs					24	
25	Domestic production activities deduction (attach Form 8903)					25	
26	Other deductions (attach schedule)					26	17,793
27	Total deductions. Add lines 12 through 26					27	18,366
28	Taxable income before net operating loss deduction and special deductions. Subtract line 27 from line 11					28	(6,141)
29	Less: a Net operating loss deduction (see instructions)		29a				
b	Special deductions (Schedule C, line 20)		29b			29c	

## Tax and Payments

30	Taxable income. Subtract line 29c from line 28 (see instructions if Schedule C, line 12, was completed)					30	(6,141)
31	Total tax (Schedule J, line 11)					31	0
32	Payments: a 2004 overpayment credited to 2005	32a					
b	2005 estimated tax payments	32b					
c	Less 2005 refund applied for on Form 4468	32c					
d	Tax deposited with Form 7004	32d					
e	Credits: (1) Form 2439 (2) Form 4136	32e					
f	Estimated tax penalty (see instructions). Check if Form 2220 is attached	32f				32g	
33	Tax due. If line 32g is smaller than the total of lines 31 and 33, enter amount owed					33	
34	Overpayment. If line 32g is larger than the total of lines 31 and 33, enter amount overpaid					34	
35	Enter amount of line 35 you want: Credited to 2005 estimated tax					35	
36	Refunded					36	

Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer

Date

Title

May the IRS discuss this return with the preparer shown below (see instructions)? ☒ Yes ☐ No

Paid Preparer's Use Only

Preparer's signature

Date

01-21-2007

Check if self-employed

Preparer's SSN or PTIN

Firm's name (or yours if self-employed), address, and ZIP code

NIGO CORPORATION  
134 E BRIARCLIFF RD  
BOLINGBROOK IL 60440

EIN 32-0069439

Phone no. (630) 972-1344

**Schedule A** **Cost of Goods Sold** (see instructions)

1	Inventory at beginning of year	1	
2	Purchases	2	
3	Cost of labor	3	
4	Additional section 263A costs (attach schedule)	4	
5	Other costs (attach schedule)	5	
6	Total. Add lines 1 through 5	6	
7	Inventory at end of year	7	
8	Cost of goods sold. Subtract line 7 from line 6. Enter here and on page 1, line 2	8	0

**9a** Check all methods used for valuing closing inventory:

- (i) Cost
- (ii) Lower of cost or market
- (iii) Other (Specify method used and attach explanation.)

**b** Check if there was a writedown of subnormal goods**c** Check if the LIFO inventory method was adopted this tax year for any goods (if checked, attach Form 970)**d** If the LIFO inventory method was used for this tax year, enter percentage (or amounts) of closing

inventory computed under LIFO

9d

**e** If property is produced or acquired for resale, do the rules of section 263A apply to the corporation? Yes No**f** Was there any change in determining quantities, cost, or valuations between opening and closing inventory? If "Yes,"

attach explanation Yes No

**Schedule C** **Dividends and Special Deductions** (see instructions)

	(a) Dividends received	(b) %	(c) Special deductions (a) x (b)
1 Dividends from less-than-20%-owned domestic corporations (other than debt-financed stock)		70	
2 Dividends from 20%-or-more-owned domestic corporations (other than debt-financed stock)		80	
3 Dividends on debt-financed stock of domestic and foreign corporations		see instructions	
4 Dividends on certain preferred stock of less-than-20%-owned public utilities		42	
5 Dividends on certain preferred stock of 20%-or-more-owned public utilities		48	
6 Dividends from less-than-20%-owned foreign corporations and certain FSCs		70	
7 Dividends from 20%-or-more-owned foreign corporations and certain FSCs		80	
8 Dividends from wholly owned foreign subsidiaries		100	
9 Total. Add lines 1 through 8. See instructions for limitation			
10 Dividends from domestic corporations received by a small business investment company operating under the Small Business Investment Act of 1958		100	
11 Dividends from affiliated group members and certain FSCs		100	
12 Dividends from controlled foreign corporations (attach Form 8895)		85	
13 Dividends from foreign corporations not included on lines 3, 6, 7, 8, 11, or 12			
14 Income from controlled foreign corporations under subpart F (attach Form(s) 5471)			
15 Foreign dividend gross-up			
16 IC-DISC and former DISC dividends not included on lines 1, 2, or 3			
17 Other dividends			
18 Deduction for dividends paid on certain preferred stock of public utilities			
19 Total dividends. Add lines 1 through 17. Enter here and on page 1, line 4			
20 Total special deductions. Add lines 9, 10, 11, 12, and 18. Enter here and on page 1, line 29b			

**Schedule E** **Compensation of Officers** (see instructions for page 1, line 12)

Note: Complete Schedule E only if total receipts (line 1a plus lines 4 through 10 on page 1) are \$500,000 or more.

	(a) Name of officer	(b) Social security number	(c) Percent of time devoted to business	Percent of corporation stock owned		(f) Amount of compensation
				(d) Common	(e) Preferred	
1			%	%	%	
			%	%	%	
			%	%	%	
			%	%	%	
			%	%	%	
2	Total compensation of officers					
3	Compensation of officers claimed on Schedule A and elsewhere on return					
4	Subtract line 3 from line 2. Enter the result here and on page 1, line 12					

**Schedule J Tax Computation** (see instructions)

1	Check if the corporation is a member of a controlled group <b>Important:</b> Members of a controlled group, see instructions.		
2a	If the box on line 1 is checked, enter the corporation's share of the \$50,000, \$25,000, and \$9,925,000 taxable income brackets (in that order): (1) \$ (2) \$ (3) \$		
b	Enter the corporation's share of: (1) Additional 5% tax (not more than \$11,750) (2) Additional 3% tax (not more than \$100,000)	\$ \$	
3	Income tax. Check if a qualified personal service corporation (see instructions)	3	0
4	Alternative minimum tax (attach Form 4626)	4	
5	Add lines 3 and 4	5	0
6a	Foreign tax credit (attach Form 1118)	6a	
6b	Possessions tax credit (attach Form 5735)	6b	
c	Credits from: Form 8834 Form 8907, line 23	6c	
d	General business credit. Check box(es) and indicate which forms are attached: Form 3800 Form(s) (specify)	6d	
e	Credit for prior year minimum tax (attach Form 8827)	6e	
f	Bond credits from: Form 8860 Form 8912	6f	
7	<b>Total credits.</b> Add lines 6a through 6f	7	
8	Subtract line 7 from line 5	8	0
9	Personal holding company tax (attach Schedule PH (Form 1120))	9	
10	Other taxes. Check if from: Form 4255 Form 8611 Form 8697 Form 8866 Form 8902 Other (attach schedule)	10	
11	<b>Total tax.</b> Add lines 8 through 10. Enter here and on page 1, line 31	11	0

**Schedule K Other Information** (see instructions)

1	Check accounting method: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other (specify)	Yes	No	7	At any time during the tax year, did one foreign person own, directly or indirectly, at least 25% of (a) the total voting power of all classes of stock of the corporation entitled to vote or (b) the total value of all classes of stock of the corporation?	Yes	No
2	See the instructions and enter the: a Business activity code no. 561730 b Business activity SERVICES c Product or service LANDSCAPING				If "Yes," enter: (a) Percentage owned 100 and (b) Owner's country COOK		X
3	At the end of the tax year, did the corporation own, directly or indirectly, 50% or more of the voting stock of a domestic corporation? (For rules of attribution, see section 267(c).) If "Yes," attach a schedule showing: (a) name and employer identification number (EIN), (b) percentage owned, and (c) taxable income or (loss) before NOL and special deductions of such corporation for the tax year ending with or within your tax year.	X		8	Check this box if the corporation issued publicly offered debt instruments with original issue discount If checked, the corporation may have to file Form 8281, Information Return for Publicly Offered Original Issue Discount Instruments.		
4	Is the corporation a subsidiary in an affiliated group or a parent-subsidiary controlled group? If "Yes," enter name and EIN of the parent corporation	X		9	Enter the amount of tax-exempt interest received or accrued during the tax year \$		
5	At the end of the tax year, did any individual, partnership, corporation, estate, or trust own, directly or indirectly, 50% or more of the corporation's voting stock? (For rules of attribution, see section 267(c).) If "Yes," attach a schedule showing name and identifying number. (Do not include any information already entered in 4 above.) Enter percentage owned 0	X		10	Enter the number of shareholders at the end of the tax year (if 100 or fewer) 2		
6	During this tax year, did the corporation pay dividends (other than stock dividends and distributions in exchange for stock) in excess of the corporation's current and accumulated earnings and profits? (See sections 301 and 316). If "Yes," file Form 5452, Corporate Report of Nondividend Distributions. If this is a consolidated return, answer here for the parent corporation and on Form 851, Affiliations Schedule, for each subsidiary.	X		11	If the corporation has an NOL for the tax year and is electing to forego the carryback period, check here If the corporation is filing a consolidated return, the statement required by Temporary Regulations section 1.1502-21T(b)(3) must be attached or the election will not be valid.		
				12	Enter the available NOL carryover from prior tax years (Do not reduce it by any deduction on line 29a.) \$		
				13	Are the corporation's total receipts (line 1a plus lines 4 through 10 on page 1) for the tax year and its total assets at the end of the tax year less than \$250,000? If "Yes," the corporation is not required to complete Schedules L, M-1, and M-2 on page 4. Instead, enter the total amount of cash distributions and the book value of property distributions (other than cash) made during the tax year. \$		

**Note:** If the corporation, at any time during the tax year, had assets or operated a business in a foreign country or U.S. possession, it may be required to attach Schedule N (Form 1120), Foreign Operations of U.S. Corporations, to this return. See Schedule N for details.



Note: The corporation is not required to complete Schedules L, M-1, and M-2 if Question 13 on Schedule K is answered "Yes."

Schedule L Balance Sheets per Books		Beginning of tax year		End of tax year	
Assets		(a)	(b)	(c)	(d)
1	Cash				105
2a	Trade notes and accounts receivable				
b	Less allowance for bad debts	( )		( )	
3	Inventories				
4	U.S. government obligations				
5	Tax-exempt securities (see instructions)				
6	Other current assets (attach schedule)				
7	Loans to shareholders				
8	Mortgage and real estate loans				
9	Other investments (attach schedule)				
10a	Buildings and other depreciable assets			33,500	
b	Less accumulated depreciation	( )		448	33,052
11a	Depletable assets				
b	Less accumulated depletion	( )		( )	
12	Land (net of any amortization)				
13a	Intangible assets (amortizable only)				
b	Less accumulated amortization	( )		( )	
14	Other assets (attach schedule)				
15	Total assets				33,157
<b>Liabilities and Shareholders' Equity</b>					
16	Accounts payable				
17	Mortgages, notes, bonds payable in less than 1 year				
18	Other current liabilities (attach schedule)				
19	Loans from shareholders				9,198
20	Mortgages, notes, bonds payable in 1 year or more				30,000
21	Other liabilities (attach schedule)				
22	Capital stock:				
a	Preferred stock				
b	Common stock			100	100
23	Additional paid-in capital				
24	Retained earnings-Appropriated (attach schedule)				
25	Retained earnings-Unappropriated				(6,141)
26	Adjustments to shareholder's equity (attach schedule)				
27	Less cost of treasury stock	( )		( )	
28	Total liabilities and stockholders' equity				33,157

Schedule M-1 Reconciliation of Income (Loss) per Books With Income per Return (see instructions)	
1	Net income (loss) per books (6,141)
2	Federal income tax per books
3	Excess of capital losses over capital gains
4	Income subject to tax not recorded on books this year (itemize):
5	Expenses recorded on books this year not deducted on this return (itemize):
a	Depreciation \$
b	Charitable contributions \$
c	Travel and entertainment \$
6	Add lines 1 through 5 (6,141)
7	Income recorded on books this year not included on this return (itemize):
	Tax-exempt interest \$
8	Deductions on this return not charged against book income this year (itemize):
a	Depreciation \$
b	Charitable contributions \$
9	Add lines 7 and 8
10	Income (page 1, line 28)-line 6 less line 9 (6,141)

Schedule M-2 Analysis of Unappropriated Retained Earnings per Books (Line 25, Schedule L)	
1	Balance at beginning of year
2	Net income (loss) per books (6,141)
3	Other increases (itemize):
4	Add lines 1, 2, and 3 (6,141)
5	Distributions:
a	Cash
b	Stock
c	Property
6	Other decreases (itemize):
7	Add lines 5 and 6
8	Balance at end of year (line 4 less line 7) (6,141)

Form **4562****Depreciation and Amortization**  
(Including Information on Listed Property)

OMB No. 1545-0172

(Rev. January 2006)  
Department of the Treasury  
Internal Revenue Service**2005**  
Attachment  
Sequence No. **67**

▶ See separate instructions.

▶ Attach to your tax return.

Name(s) shown on return

Business or activity to which this form relates

**J & J TREE SERVICES CO.****FORM 1120**

Identifying number

**20-3798104****Part I Election To Expense Certain Property Under Section 179**

Note: If you have any listed property, complete Part V before you complete Part I.

1	Maximum amount. See the instructions for a higher limit for certain businesses	1	105,000
2	Total cost of section 179 property placed in service (see instructions)	2	
3	Threshold cost of section 179 property before reduction in limitation	3	420,000
4	Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-	4	
5	Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions	5	

6	(a) Description of property	(b) Cost (business use only)	(c) Elected cost
7	Listed property. Enter the amount from line 29	7	
8	Total elected cost of section 179 property. Add amounts in column (c), lines 6 and 7	8	
9	Tentative deduction. Enter the smaller of line 5 or line 8	9	
10	Carryover of disallowed deduction from line 13 of your 2004 Form 4562	10	
11	Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instructions)	11	
12	Section 179 expense deduction. Add lines 9 and 10, but do not enter more than line 11	12	
13	Carryover of disallowed deduction to 2006. Add lines 9 and 10, less line 12	13	

Note: Do not use Part II or Part III below for listed property. Instead, use Part V.

**Part II Special Depreciation Allowance and Other Depreciation** (Do not include listed property.) (See instructions.)

14	Special allowance for certain aircraft, certain property with a long production period, and qualified NYL or GO Zone property (other than listed property) placed in service during the tax year (see instructions)	14	
15	Property subject to section 168(f)(1) election	15	
16	Other depreciation (including ACRS)	16	

**Part III MACRS Depreciation** (Do not include listed property.) (See instructions.)**Section A**

17	MACRS deductions for assets placed in service in tax years beginning before 2005	17	
18	If you are electing to group any assets placed in service during the tax year into one or more general asset accounts, check here		

**Section B - Assets Placed in Service During 2005 Tax Year Using the General Depreciation System**

(a) Classification of property	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only-see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deduction
19a 3-year property						
b 5-year property						
c 7-year property						
d 10-year property						
e 15-year property						
f 20-year property						
g 25-year property			25 yrs.		S/L	
h Residential rental property			27.5 yrs.	MM	S/L	
i Nonresidential real property			27.5 yrs.	MM	S/L	
			39 yrs.	MM	S/L	
				MM	S/L	

**Section C - Assets Placed in Service During 2005 Tax Year Using the Alternative Depreciation System**

20a Class life					S/L	
b 12-year			12 yrs.		S/L	
c 40-year			40 yrs.	MM	S/L	

**Part IV Summary** (see instructions)

21	Listed property. Enter amount from line 28	21	448
22	Total. Add amounts from line 12, lines 14 through 17, lines 19 and 20 in column (g), and line 21. Enter here and on the appropriate lines of your return. Partnerships and S corporations - see instr	22	448
23	For assets shown above and placed in service during the current year, enter the portion of the basis attributable to section 263A costs	23	

For Paperwork Reduction Act Notice, see separate instructions.

EEA

Form 4562 (2005) (Rev. 1-2006)

**P 000370**



**Part V Listed Property** (Include automobiles, certain other vehicles, cellular telephones, certain computers, and property used for entertainment, recreation, or amusement.)

**Note:** For any vehicle for which you are using the standard mileage rate or deducting lease expense, complete only 24a, 24b, columns (a) through (c) of Section A, all of Section B, and Section C if applicable.

**Section A - Depreciation and Other Information (Caution: See the instructions for limits for passenger automobiles.)**

24a Do you have evidence to support the business/investment use claimed?					24b If "Yes," is the evidence written?				
Yes No					Yes No				
(a) Type of property (list vehicles first)	(b) Date placed in service	(c) Business/investment use percentage	(d) Cost or other basis	(e) Basis for depreciation (business/investment use only)	(f) Recovery period	(g) Method/Convention	(h) Depreciation deduction	(i) Elected section 179 cost	
25 Special allowance for certain aircraft, certain property with a long production period, and qualified NYL or GO Zone property placed in service during the tax year and used more than 50% in a qualified business use (see instructions) . . . . . 25									
26 Property used more than 50% in a qualified business use:									
TRAILER	20051120	100 %	1,500	1,500	5	SL	50		
TRUCK92-GM	20051201	100 %	10,000	10,000	5	SL	333		
TRUCK	20051220	100 %	22,000	22,000	10	SL	65		
27 Property used 50% or less in a qualified business use:									
		%				S/L-			
		%				S/L-			
		%				S/L-			
28 Add amounts in column (h), lines 25 through 27. Enter here and on line 21, page 1 . . . . . 28							448		
29 Add amounts in column (i), line 26. Enter here and on line 7, page 1 . . . . . 29									

**Section B - Information on Use of Vehicles**

Complete this section for vehicles used by a sole proprietor, partner, or other "more than 5% owner," or related person.

If you provided vehicles to your employees, first answer the questions in Section C to see if you meet an exception to completing this section for those vehicles.

	(a) Vehicle 1		(b) Vehicle 2		(c) Vehicle 3		(d) Vehicle 4		(e) Vehicle 5		(f) Vehicle 6	
30 Total business/investment miles driven during the year (do not include commuting miles) . . . . .												
31 Total commuting miles driven during the year . . . . .												
32 Total other personal (noncommuting) miles driven . . . . .												
33 Total miles driven during the year. Add lines 30 through 32 . . . . .												
34 Was the vehicle available for personal use during off-duty hours? . . . . .	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
35 Was the vehicle used primarily by a more than 5% owner or related person? . . . . .												
36 Is another vehicle available for personal use? . . . . .												

**Section C - Questions for Employers Who Provide Vehicles for Use by Their Employees**

Answer these questions to determine if you meet an exception to completing Section B for vehicles used by employees who are not more than 5% owners or related persons (see instructions).

	Yes	No
37 Do you maintain a written policy statement that prohibits all personal use of vehicles, including commuting, by your employees? . . . . .		
38 Do you maintain a written policy statement that prohibits personal use of vehicles, except commuting, by your employees? See the instructions for vehicles used by corporate officers, directors, or 1% or more owners . . . . .		
39 Do you treat all use of vehicles by employees as personal use? . . . . .		
40 Do you provide more than five vehicles to your employees, obtain information from your employees about the use of the vehicles, and retain the information received? . . . . .		
41 Do you meet the requirements concerning qualified automobile demonstration use? (See instructions.) . . . . .		

**Note:** If your answer to 37, 38, 39, 40, or 41 is "Yes," do not complete Section B for the covered vehicles.

**Part VI Amortization**

(a) Description of costs	(b) Date amortization begins	(c) Amortizable amount	(d) Code section	(e) Amortization period or percentage	(f) Amortization for this year
42 Amortization of costs that begins during your 2005 tax year (see instructions):					
43 Amortization of costs that began before your 2005 tax year . . . . . 43					
44 Total. Add amounts in column (f). See the instructions for where to report . . . . . 44					



**Corporation Income and Replacement Tax Return**

Due on or before the 15th day of the 3rd month following the close of the tax year.

If this return is not for calendar year 2005, write your fiscal year here.

Tax year beginning \_\_\_\_\_, ending \_\_\_\_\_

Write the amount you are paying

\$ 0

**Step 1 : Provide the following business information****A** Write your business name and mailing address.

If you have an address change, check this box.

J & J TREE SERVICES CO

Name

C/O

7831 W RACHER

Mailing address

Chicago, IL 60656

City

State

ZIP

**B** Check the box if one of the following apply:☒ first return ☐ final return (if final, write the date \_\_\_\_\_)**C** If this is a final return because you sold this business, write the date sold \_\_\_\_\_ and the new owner's FEIN, \_\_\_\_\_**D** Check the box if your business is☐ Combined return (unitary)☐ Foreign insurer**E** If you have completed the following federal forms, check the box and attach them to this return.☐ Federal Schedule 8866☐ Federal Schedule M-3**F** Special Apportionment Formulas. If you use a special apportionment formula, mark the appropriate box and see Special Apportionment Formula instructions.☐ Insurance companies☐ Financial organizations☐ Transportation companies**G** Write your federal employer identification no. (FEIN)20-3798104**H** Write your Illinois Business Tax number. (IBT)**I** If you are a member of a group filing a federal consolidated return, write the FEIN of the parent.**J** Write the state and zip code where your accounting records are kept. (Use the two-letter postal abbreviation for your state. Ex., IL, GA, etc.)

State

Zip

**K** If you are making the business income election, to treat all nonbusiness income as business income, check here and write "0" on Lines 26 and 34.**L** Check this box if you annualized your income on Form IL-2220.**M** Check your method of accounting.☒ Cash ☐ Accrual ☐ Other \_\_\_\_\_**Step 2 : Figure your income or loss**

A t t a c h  y o u r  ▲	1	Federal Taxable Income from U.S. Form 1120, Line 30, or U.S. Form 1120-A, Line 26. <b>Attach</b> a copy of your federal return.	1	<u>(6,141)</u>
	2	Net operating loss deduction from U.S. Form 1120, Line 29a, or U.S. Form 1120-A, Line 25a.	2	_____
	3	State, municipal, and other interest income excluded from Line 1.	3	_____
	4	Illinois income and replacement tax deducted in arriving at Line 1.	4	_____
	5	Illinois Bonus Depreciation addition. <b>Attach</b> Form IL-4562.	5	_____
	6	Related Party Expenses additions. <b>Attach</b> Schedule 80/20.	6	_____
	7	Distributive shares of additions. <b>Attach</b> Schedule K-1-P or K-1-T.	7	_____
	8	Other additions. <b>Attach</b> Illinois Schedule M (for IL-1120 filers).	8	_____
	9	Add Lines 1 through 8. This amount is your income or loss.	9	<u>(6,141)</u>

BD BE DE FI IZ JN LN MC ME NS TG TF TS UB UD UL UM XX

IL-1120 (R-12/05)

ID: 3107

AL \_\_\_\_\_ DR \_\_\_\_\_ ID \_\_\_\_\_

P 000373

**Step 3: Figure your base income or loss**

11	Federally-taxed refund of Illinois income and replacement tax.	11	_____
12	Interest income from U.S. Treasury and other exempt federal obligations.	12	_____
13	Enterprise Zone Dividend subtraction. <b>Attach</b> Schedule 1299-B.	13	_____
14	Enterprise Zone Interest subtraction. <b>Attach</b> Schedule 1299-B.	14	_____
15	High Impact Business Dividend subtraction. <b>Attach</b> Schedule 1299-B.	15	_____
16	High Impact Business Interest subtraction. <b>Attach</b> Schedule 1299-B.	16	_____
17	Contribution subtraction. <b>Attach</b> Schedule 1299-B.	17	_____
18	Contributions to certain job training projects (see instructions).	18	_____
19	Foreign dividend subtraction. <b>Attach</b> Schedule J.	19	_____
20	Illinois Bonus Depreciation subtraction. <b>Attach</b> Schedule IL-4562.	20	_____
21	Related-Party Expenses subtraction. <b>Attach</b> Schedule 80/20.	21	_____
22	Distributive share of subtractions. <b>Attach</b> Schedule K-1-P or K-1-T.	22	_____
23	Other subtractions. <b>Attach</b> Schedule M (for IL-1120 filers).	23	_____
24	Total subtractions. Add Lines 11 through 23.	24	_____
25	Base income or net loss. Subtract Line 24 from Line 10.	25	(6,141)

**STOP** If the amount on Line 25 is derived inside and outside Illinois, complete Step 4; otherwise go to Step 5.

**Step 4: Figure your income allocable to Illinois**

26	Nonbusiness income or loss. <b>Attach</b> Schedule NB.	26	_____
27	Non-unitary partnership business income or loss included in Line 25.	27	_____
28	Add Lines 26 and 27.	28	_____
29	Business income or loss. Subtract Line 28 from Line 25.	29	_____
30	Total sales everywhere (this amount cannot be negative).	30	_____
31	Total sales inside Illinois (this amount cannot be negative).	31	_____
32	Apportionment Factor. Divide Line 31 by Line 30 (carry to six decimal places).	32	_____
33	Business income or loss apportionable to Illinois. Multiply Line 29 by Line 32.	33	_____
34	Nonbusiness income or loss allocable to Illinois. <b>Attach</b> Schedule NB.	34	_____
35	Non-unitary partnership business income or loss apportionable to Illinois.	35	_____
36	Base income or net loss allocable to Illinois. Add Lines 33 through 35.	36	_____

**Step 5: Figure your net income**

37	Base income or net loss from Step 3, Line 25, or Step 4, Line 36.	37	(6,141)
38	Illinois net loss deduction. <b>Attach</b> Schedule NLD or UB/NLD. If Line 34 is zero or a negative amount, write "0."	38	_____
39	Net income. Subtract Line 38 from Line 37.	39	0

**Step 6: Figure your net replacement tax**

40	Replacement Tax. Multiply Line 39 by 2.5% (.025).	40	_____
41	Recapture of investment credits. <b>Attach</b> Schedule 4255.	41	_____
42	Replacement Tax before credits. Add Lines 40 and 41.	42	_____
43	Investment credits. <b>Attach</b> Form IL-477.	43	_____
44	Net replacement tax. Subtract Line 43 from Line 42. If the amount is negative, write "0."	44	0

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**Step 7: Figure your net income tax**

45	Income tax. Multiply Line 39 by 4.8% (.048).	45	_____
46	Recapture of investment credits. <b>Attach</b> Schedule 4255.	46	_____
47	Income tax before credits. Add Lines 45 and 46.	47	_____
48	Income tax credits. <b>Attach</b> Schedule 1299-D.	48	_____
49	<b>Net income tax.</b> Subtract Line 48 from Line 47. If the amount is negative, write "0."	49	_____ 0

**Step 8: Figure your refund or balance due**

50	Net replacement tax from Line 44.	50	_____ 0
51	Net income tax from Line 49.	51	_____ 0
52	<b>Total net income and replacement taxes.</b> Add Lines 50 and 51.	52	_____ 0
53	Self-assessed penalties. <b>Attach</b> Form IL-2220 (see instructions).	53	_____
54	Add Lines 52 and 53.	54	_____ 0
55	Payments.		
	a Credit from 2004 overpayment.	a	_____
	b Total estimated payments.	b	_____
	c Form IL-505-B (extension) payment.	c	_____
56	Total payments. Add Lines 55a through 55c.	56	_____
57	<b>Overpayment.</b> If Line 56 is greater than Line 54, subtract Line 54 from Line 56.	57	_____
58	Amount to be credited to 2006.	58	_____
59	<b>Refund.</b> Subtract Line 58 from Line 57. This is the amount to be refunded.	59	_____
60	<b>Tax due.</b> If Line 54 is greater than Line 56, subtract Line 56 from Line 54. This is the amount you owe.	60	_____ 0

► **Make your check payable to "Illinois Department of Revenue" and attach to page 1 of this form** ◀  
 Special **Note** Write the amount of your payment on the top of Page 1 in the space provided.

**Step 9: Sign here**

Under penalties of perjury, I state that I have examined this return and, to the best of my knowledge, it is true, correct, and complete.

Signature of authorized officer	Date	Title	Phone
	01-21-2007	32-0069439	
Signature of preparer	134 E BRIARCLIFF RD	Preparer's Social Security number or firm's FCIN	
NIGO CORPORATION	BOLINGBROOK IL 60440		630-972-1344
Print preparer's firm name (or yours, if self-employed)	Address		Phone

► **Mail this return to: Illinois Department of Revenue, P.O. Box 19008, Springfield, IL 62794-9008** ◀

P 000375

**Plaintiff's Exhibit 8**

**Defendant's Amended Rule 26(a)(1) Disclosures**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOSE ANDREU,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

)  
)  
)  
) Case No. 07 C 0473

)  
) Judge Der-Yeghiayan  
)  
)  
)

**DEFENDANT UNITED PARCEL SERVICE'S  
AMENDED DISCLOSURES PURSUANT TO RULE 26(a)(1)**

Defendant United Parcel Service ("UPS") submits its mandatory disclosures pursuant to Fed. R. Civ. P. 26(a)(1) as follows:

Initial Disclosures. Except to the extent otherwise stipulated or directed by order or local rule, a party shall, without awaiting a discovery request, provide to the other parties:

- (A) the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

**RESPONSE:** Jimmy Millard  
United Parcel Service  
150 South Lombard Road  
Addison, IL 60101-3020

Has information regarding UPS's policies and procedures.

Tom Haefke  
United Parcel Service  
150 South Lombard Road  
Addison, IL 60101-3020

Has information regarding UPS's policies and procedures.

Marilyn Ritchie  
United Parcel Service  
150 South Lombard Road  
Addison, IL 60101-3020

Has information regarding UPS's policies and procedures.

Randy Dunn  
United Parcel Service  
150 South Lombard Road  
Addison, IL 60101-3020

Has information concerning Andreu's termination.

David Ziltz  
United Parcel Service  
150 South Lombard Road  
Addison, IL 60101-3020

Has information concerning Andreu's termination.

James Karr  
United Parcel Service  
55 Glenlake Parkway, NE  
Atlanta, GA 30328

Has information concerning Andreu's COBRA notification.

Kerry Snyder  
United Parcel Service  
1800 East 1st Avenue  
Milan, IL 61264

Has information concerning Andreu's termination.

- (B) a copy of, or a description by category and location of all documents, data compilations, and tangible things in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment;

**RESPONSE:** See documents Bates-stamped UPS 0042-UPS 00128 produced by UPS (documents Bates-stamped UPS 0001-UPS 0041 were previously produced).

- (C) a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which



such computation is based, including materials bearing on the nature and extent of injuries suffered;


**RESPONSE:** Not applicable.

- (D) for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**RESPONSE:** Not applicable.

DATED: June 19, 2007

UNITED PARCEL SERVICE

By:   
One of its Attorneys

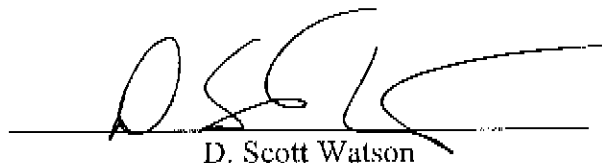
D. Scott Watson, #06230488  
Ellen M. Girard, #6276507  
Quarles & Brady LLP  
500 West Madison Street, Suite 3700  
Chicago, IL 60661-2511  
(312) 715-5000

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that he caused a copy of the foregoing United Parcel Service's Amended Disclosures Pursuant to Fed.R.Civ.P. 26(a)(1) to be served upon:

Timothy J. Coffey  
The Coffey Law Office, P.C.  
1403 East Forest Avenue  
Wheaton, Illinois 60187  
[tcofflaw@sbcglobal.net](mailto:tcofflaw@sbcglobal.net)

by depositing a copy of same in the U.S. Mail chute at 500 W. Madison Street, Chicago, Illinois, before the hour of 4:00 p.m. this 19th day of June, 2007.



D. Scott Watson

**Plaintiff's Exhibit 9**

**Court 's June 14, 2007, Order**

## United States District Court, Northern District of Illinois

AE

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	07 C 473	DATE	6/14/2007
CASE TITLE	Jose Andreu vs. United Parcel Service, Inc.,		

## DOCKET ENTRY TEXT

Plaintiff's motion for extension of time to complete discovery [26] is granted as follows: Plaintiff's expert disclosure and reports shall be served by 07/16/07. Defendant's expert disclosure and reports shall be served by 07/30/07. All discovery shall be noticed in time to be completed by 08/13/07. Dispositive motions are to be filed by 09/13/07. Responses to the dispositive motions, if any, are to be filed by 09/27/07 and replies, if any, are to be filed by 10/04/07. Status hearing reset to 11/14/07 at 9:00 a.m. Status hearing set for 10/24/07 is stricken.

• For further details see attached order

Docketing to mail notices.

	Courtroom Deputy Initials:	maw
--	----------------------------	-----

**Plaintiff's Exhibit 10**

**Plaintiff's First Request for Production of Documents**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOSE ANDREU,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

Case No. 07 C 00473

Judge Samuel Der-Yeghiayan

Magistrate Judge Mason

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
AND OTHER TANGIBLE THINGS TO DEFENDANT**

Plaintiff, JOSE ANDREU, by and through his attorneys, THE COFFEY LAW OFFICE, P.C., pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, hereby requests that Defendant produce at the offices of his attorneys, within 30 days of service hereof, the following documents (as defined in Rule 34(a)) in the possession or control of Defendant, its agents or attorneys, in the manner in which they are usually maintained or categorized and identified according to the numbered requests below.

**I. INSTRUCTIONS**

- A. In producing these documents, the Defendant is required to furnish all documents known or available to it regardless of whether the documents are possessed (a) directly by the Defendant; (b) by the Defendant's present or former attorneys or their agents, employees, representatives, or investigators; or © by the defendant's affiliates, predecessors, or other legal entities or associations under the Defendant's control.
- B. If any document cannot be produced in full, produce the document to the fullest extent possible, specifying the reason(s) for your inability to produce the remainder.
- C. This document request is a continuing one. If, after producing the required documents, Defendant obtains or becomes aware of any additional documents responsive to this request, Defendant is required to produce them.
- D. If Defendant claims that any document is immune from production because of a privilege, please provide the following information with regard to each such document:
  - i. Type (e.g, letter, memorandum, etc.);
  - ii. Author or preparer;
  - iii. Recipient;
  - iv. Date of recording, preparation or transmittal;
  - v. Subject matter; and,
  - vi. Basis of claim of privilege.

## **II. DEFINITIONS**

- A. "Defendant," unless otherwise indicated, refers to the Defendant United Parcel Service, Inc., and, when not negated by the context, also refers to each and every officer, employee, attorney, or agent of such entity who presently holds such a position or who has held such a position during the relevant time period.
- B. The term "document" refers to and includes, but is not limited to, the following whether printed or reproduced by any process, or written, and/or produced by hand, and whether or not claimed to be privileged or otherwise protected from discovery, namely: notes, correspondence; communications of any nature; telegrams; memoranda, notebooks of any character; summaries or records of personal conversations; diaries; routing slips; reports; publications; photographs; minutes or records of meetings; transcript of oral testimony or statements; reports and/or summaries of interviews; reports and/or summaries of investigations; agreements and contracts, including all modifications and/or revisions thereof; reports and/or summaries of negotiations; court papers; brochures; pamphlets; press releases; drafts, revisions of drafts or translations of any document; tape recordings; records and dictation belts; drawings, graphs, charts, phonograph records, computer or other recording tapes, and every other type of physical evidence or data compilation. Any document with any marks on any sheet or side thereof, including by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or any notation of any character and not a part of the original text or any reproduction thereof, is to be considered a separate document for purposes of this request.

## **III. DOCUMENTS TO BE PRODUCED**

- 1. All documents and tangible things that Defendant believes are relevant to the subject matter of this action and/or any of the allegations contained in the Complaint.
- 2. All documents and tangible things relied upon or utilized by any expert or opinion witness on behalf of Defendant in formulating his or her opinion.
- 3. All documents and tangible things which Defendant intends to produce, rely upon or proffer as evidence at any trial in this matter.
- 4. Any and all documents describing, recording or referring to all communications between or among the Defendant, its employees, officers or agents, and any third party, concerning the employment or termination of the employment of Plaintiff by Defendant, or the allegations contained in the Complaint.
- 5. Any and all documents describing, recording or referring to all communications between Plaintiff, his agents and representatives, and the Defendant, any of its employees, officers or agents, concerning the employment, or termination of the employment of Plaintiff by Defendant, or the allegations contained in the Complaint.
- 6. Any and all of Defendant's records concerning Plaintiff, including, but not limited to, personnel files, insurance records, payroll records, and all documents concerning job performance and any criticism of job performance.

7. Any and all documents describing, recording, referring to, or in any manner related to all contracts, agreements, arrangements, or understandings between Defendant and Plaintiff, his agents and representatives, pertaining to any aspect of the employment relationship between Plaintiff and Defendant, including, without limitation, the terms and conditions (including salary and other benefits) of Plaintiff's employment by Defendant, the duties and anticipated duties of Plaintiff as an employee of Defendant, the compensation of Plaintiff, the work performance of Plaintiff and the termination of Plaintiff's employment by Defendant.
8. Any and all employee handbooks, personnel manuals or other documents which contain any company standard, policy, rule, regulation or guideline in effect during Plaintiff's employment with Defendant.
9. Any and all job descriptions and/or other documents that describe or otherwise relate to the positions held by and/or functions performed by Plaintiff during his employment with the Defendant.
10. Summary plan descriptions and any and all other documents explaining or relating to fringe benefits available to Plaintiff at the time of the termination of his employment, and any amendments or modifications thereto.
11. Any and all organization charts, employee directories or other documents depicting the Defendant organization and its employees within that organization during Plaintiff's employment with Defendant to date.
12. Any and all records concerning unemployment or workers compensation benefits paid by Defendant to Plaintiff, including, but not limited to any and all records pertaining to proceedings before the Illinois Department of Employment Security and/or the Illinois Industrial Commission concerning Plaintiff.
13. Any and all records of any statements made by any individual who has knowledge of any facts, occurrences or circumstances described in the Complaint.
14. Any and all transcripts (depositions and hearings), notes or other documents prepared or obtained by Defendant or on behalf of Defendant, of or for use in any hearing involving Plaintiff's injuries and/or termination, including, but not limited to, worker's compensation hearings, unemployment compensation hearings, and union grievances.
15. Copies of all collective bargaining agreements between Defendant and any Union of which Plaintiff was a member in effect during Plaintiff's employment with Defendant, and all side letters, supplemental agreements, and wage schedules related thereto.
16. All documents identified or relied upon by Defendant in its answers to Plaintiff's First Set of Interrogatories, served upon Defendant concurrently with this document request.
17. All documents which Defendant contends support or relate to any affirmative defense it has plead or intends to plead in the future in response to the allegations contained in the Complaint.



18. All financial statements, including, but not limited to, monthly, quarterly or annual balance sheets and income statements, and audit reports prepared by Defendant or on Defendant's behalf during the years 2005 to present.
19. All records of or documents related to the number of packages on the delivery truck Plaintiff was driving on February 9, 2005, while employed by Defendant.
20. Any and all documents describing or related to the communications system through which Ms. Cheryl Bast received the calls she references in her February 9, 2005 memo to Dave Ziltz (UPS 0001).
21. Any recording made of the content or received times of the calls Ms. Cheryl Bast references in her February 9, 2005 memo to Dave Ziltz (UPS 0001).
22. Any documents related in any manner to the calls Ms. Cheryl Bast references in her February 9, 2005 memo to Dave Ziltz (UPS 0001).

Dated: May 9, 2007

Respectfully Submitted,  
JOSE ANDREU, Plaintiff,

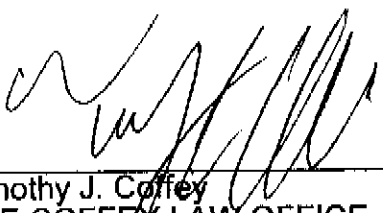
By: 

Timothy J. Coffey  
THE COFFEY LAW OFFICE, P.C.  
Attorneys for JOSE ANDREU  
1403 E. Forest Avenue  
Wheaton, IL 60187  
(630) 534-6300

**CERTIFICATION OF SERVICE**

I hereby certify that I served a true, accurate and complete copy of the foregoing Plaintiff's First Request to Produce Documents to Defendant to the following attorneys of record for Defendant by first-class, U.S. mail, postage pre-paid, on the 9<sup>th</sup> day of May, 2007.

D. Scott Watson  
Quarles & Brady LLP  
500 West Madison  
Suite 3700  
Chicago, IL 60661

  
\_\_\_\_\_  
Timothy J. Coffey  
THE COFFEY LAW OFFICE, P.C.  
Attorneys for JOSE ANDREU  
1403 E. Forest Avenue  
Wheaton, IL 60187  
(630) 534-6300

**Plaintiff's Exhibit 11**

**Defendant's Objections and Responses to Plaintiff's First Request for Production  
of Documents**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOSE ANDREU,	)	
	)	
Plaintiff,	)	
	)	Case No. 07 C 0473
v.	)	
	)	Judge Der-Yeghiayan
UNITED PARCEL SERVICE, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT'S OBJECTIONS AND RESPONSES TO  
PLAINTIFF'S FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS AND OTHER TANGIBLE THINGS TO DEFENDANT**

Defendant, United Parcel Service, Inc. ("UPS") submits its Objections and Responses to Plaintiff Jose Andreu's ("Plaintiff" or "Andreu") First Request for Production of Documents and Other Tangible Things to Defendant as follows:

**GENERAL OBJECTIONS**

1. UPS objects to each request to the extent that it seeks documents protected by the attorney/client and/or work product privileges.
2. In responding to any request herein, UPS does not concede the relevancy, or materiality or admissibility of the request and/or document(s) sought. UPS's responses are made subject to any objections as to the competency, relevancy, materiality or admissibility of such evidence it may advance in any proceeding.

**OBJECTIONS AND RESPONSES**

**REQUEST NO. 1:** All documents and tangible things that Defendant believes are relevant to the subject matter of this action and/or any of the allegations contained in the Complaint;

**RESPONSE:** UPS objects to Request No. 1 as vague, overbroad, unduly burdensome, not

reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped ~~UPS-0001~~ - UPS 0801.

REQUEST NO. 2: All documents and tangible things relied upon or utilized by any expert or opinion witness on behalf of Defendant in formulating his or her opinion.

RESPONSE: UPS objects to Request No. 2 as premature, vague, overbroad, unduly burdensome, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, UPS has not sought the opinion of an expert or opinion witness but reserves the right to supplement this response in accordance with the scheduling order in this matter.

REQUEST NO. 3: All documents and tangible things which Defendant intends to produce, rely upon or proffer as evidence at any trial in this matter.

RESPONSE: UPS objects to Request No. 3 as premature, vague, overbroad and unduly burdensome. Notwithstanding these objections and without waving same, see produced documents Bates-stamped ~~UPS-0001~~ - UPS 0801. UPS reserves the right to supplement this response and to use documents and tangible things at trial as provided for by the Federal Rules of Evidence.

REQUEST NO. 4: Any and all documents describing, recording or referring to all communications between or among the Defendant, its employees, officers or agents, and any third party, concerning the employment or termination of the employment of Plaintiff by Defendant, or the allegations contained in the Complaint.

RESPONSE: UPS objects to Request No. 4 as vague, overbroad, unduly burdensome, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped ~~00001 - 00134~~ produced by Teamsters Local 705.

REQUEST NO. 5: Any and all documents describing, recording or referring to all communications between Plaintiff, his agents and representatives, and the Defendant, any of its employees, officers or agents, concerning the employment, or termination of the employment of Plaintiff by Defendant, or the allegations contained in the Complaint.

RESPONSE: UPS objects to Request No. 5 as vague, overbroad, unduly burdensome, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see documents Bates-stamped 00001 - 00134 produced by Teamsters Local 705. In addition, Plaintiff has copies of communications between counsel for UPS and Plaintiff's counsel.

REQUEST NO. 6: Any and all of Defendant's records concerning Plaintiff, including, but not limited to, personnel files, insurance records, payroll records, and all documents concerning job performance and any criticism of job performance.

RESPONSE: UPS objects to Request No. 6 as vague, overbroad, unduly burdensome, irrelevant, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0001 - UPS 0041, UPS 0112 - UPS 0209, UPS 0545 - UPS 0705, UPS 0801.

REQUEST NO. 7: Any and all documents describing, recording, referring to, or in any manner related to all contracts, agreements, arrangements, or understandings between Defendant and Plaintiff, his agents and representatives, pertaining to any aspect of the employment relationship between Plaintiff and Defendant, including, without limitation, the terms and conditions (including salary and other benefits) of Plaintiff's employment by Defendant, the duties and anticipated duties of Plaintiff as an employee of Defendant, the compensation of Plaintiff, the work performance of Plaintiff and the termination of Plaintiff's employment by Defendant.

RESPONSE: UPS objects to Request No. 7 as vague, overbroad, unduly burdensome, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same,

see produced documents Bates-stamped UPS 0042 - UPS 0111, UPS 0133 - UPS 0136.

REQUEST NO. 8: Any and all employee handbooks, personnel manuals or other documents which contain any company standard, policy, rule, regulation or guideline in effect during Plaintiff's employment with Defendant.

RESPONSE: UPS objects to Request No. 8 as vague, overbroad, unduly burdensome, irrelevant, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0042 - UPS 0111, UPS 0133 - UPS 0136.

REQUEST NO. 9: Any and all job descriptions and/or other documents that describe or otherwise relate to the positions held by and/or functions performed by Plaintiff during his employment with the Defendant.

RESPONSE: UPS objects to Request No. 9 as vague, overbroad, unduly burdensome, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0042 - UPS 0111, UPS 0133 - UPS 0136.

REQUEST NO. 10: Summary plan descriptions and any and all other documents explaining or relating to fringe benefits available to Plaintiff at the time of the termination of his employment, and any amendments or modifications thereto.

RESPONSE: UPS objects to Request No. 10 as vague, overbroad, unduly burdensome, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0042 - UPS 0111, UPS 0441 - UPS 0544.

REQUEST NO. 11: Any and all organization charts, employee directories or other documents depicting the Defendant organization and its employees within that organization during Plaintiff's employment with Defendant to date.

RESPONSE: UPS objects to Request No. 11 as vague, overbroad, unduly burdensome, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0210.

REQUEST NO. 12: Any and all records concerning unemployment or workers compensation benefits paid by Defendant to Plaintiff, including, but not limited to any and all records pertaining to proceedings before the Illinois Department of Employment Security and/or the Illinois Industrial Commission concerning Plaintiff.

RESPONSE: UPS objects to Request No. 12 as vague, overbroad and unduly burdensome. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS-0202 - UPS 203, UPS 0209. Additional documents are being copied and will be produced.

REQUEST NO. 13: Any and all records of any statements made by any individual who has knowledge of any facts, occurrences or circumstances described in the Complaint.

RESPONSE: UPS objects to Request No. 13 as vague, overbroad, unduly burdensome, irrelevant, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS-0001 - UPS 0002.

REQUEST NO. 14: Any and all transcripts (depositions and hearings), notes or other documents prepared or obtained by Defendant or on behalf of Defendant, of or for use in any hearing involving Plaintiff's injuries and/or termination, including, but not limited to, worker's compensation hearings, unemployment compensation hearings, and union grievances.

RESPONSE: UPS objects to Request No. 14 as vague, overbroad, unduly burdensome, not



reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0001 - UPS 0801.

REQUEST NO. 15: Copies of all collective bargaining agreements between Defendant and any Union of which Plaintiff was member in effect during Plaintiff's employment with Defendant, and all side letters, supplemental agreements, and wage schedules related thereto.

RESPONSE: UPS objects to Request No. 15 as vague, overbroad, unduly burdensome, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0042 - UPS 0111, UPS 0706 - UPS 0800.

REQUEST NO. 16: All documents identified or relied upon by Defendant in its answers to Plaintiff's First Set of Interrogatories, served upon Defendant concurrently with this document request.

RESPONSE: UPS objects to Request No. 16 as vague, overbroad, unduly burdensome, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0001 - UPS 0801.

REQUEST NO. 17: All documents which Defendant contends support or relate to any affirmative defense it has plead (sic) or intends to plead in the future in response to the allegations contained in the Complaint.

RESPONSE: UPS objects to Request No. 17 as vague, overbroad, unduly burdensome, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0001 - UPS 0801.

REQUEST NO. 18: All financial statements, including, but not limited to, monthly, quarterly or annual balance sheets and income statements, and audit reports prepared by Defendant or on Defendant's behalf during the years 2005 to present.

RESPONSE: UPS objects to Request No. 18 as vague, overbroad, unduly burdensome, irrelevant, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence.

REQUEST NO. 19: All records of or documents related to the number of packages on the delivery truck Plaintiff was driving on February 9, 2005, while employed by Defendant.

RESPONSE: UPS objects to Request No. 19 as vague, overbroad and unduly burdensome. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0112 - UPS 0115, UPS 0801.

REQUEST NO. 20: Any and all documents describing or related to the communications system through which Ms. Cheryl Bast received the calls she references in her February 9, 2005 memo to Dave Ziltz (UPS 0001).

RESPONSE: UPS objects to Request No. 20 as vague, overbroad, unduly burdensome, irrelevant, not reasonably limited in time and/or scope, and not reasonably calculated to lead to the discovery of relevant and/or admissible evidence. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0001.

REQUEST NO. 21: Any recording made of the content or received times of the calls Ms. Cheryl Bast references in her February 9, 2005 memo to Dave Ziltz (UPS 0001).

RESPONSE: UPS objects to Request No. 21 as vague, overbroad and unduly burdensome. Notwithstanding these objections and without waving same, see produced documents Bates-stamped UPS 0546 - UPS 0553.

REQUEST NO. 22: Any documents related in any manner to the calls Ms. Cheryl Bast references in her February 9, 2005 memo to Dave Ziltz (UPS 0001).

RESPONSE: UPS objects to Request No. 22 as vague, overbroad and unduly burdensome.

Notwithstanding these objections and without waving same, see responses to Requests 20 and 21.

DATED: June 19, 2007

UNITED PARCEL SERVICE, INC.

By:   
One of Its Attorneys

John A. Klages (ARDC #06196781)  
D. Scott Watson (ARDC # 06230488)  
Ellen M. Girard (ARDC #06276507)  
Quarles & Brady LLP  
500 West Madison, Suite 3700  
Chicago, IL 60661  
312/715-5000  
312/715-5155 (fax)

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that a true and accurate copy of the foregoing Defendant's Objections and Responses to Plaintiff's First Request for Production of Documents and Other Tangible Things to Defendant was served upon:

Timothy J. Coffey  
The Coffey Law Office, P.C.  
1403 East Forest Avenue  
Wheaton, Illinois 60187  
Email: [tcofflaw@sbcglobal.net](mailto:tcofflaw@sbcglobal.net)

by depositing same in the U.S. mail at 500 W. Madison Street, Chicago, Illinois 60661, at or about 5:00 p.m., this 19th day of June, 2007.

A handwritten signature in black ink, appearing to read 'TJ Coffey', is written over a horizontal line.